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CALIFORNIA
'Nonpartisan' measure draws partisan debate
Redistricting plan hotly contested at legislative hearing

- John Wildermuth, Chronicle Political Writer
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Los Angeles -- Proposition 77 is being billed as a nonpartisan attempt to change the way California draws its political boundaries, but Monday it was Democrats versus the Republicans at a joint legislative hearing on the initiative.

The nonpartisan claims by supporters, led by Gov. Arnold Schwarzenegger, are harder to make in the face of matching \$1.25 million contributions last Friday by Schwarzenegger and the man he asked to run the pro-Prop. 77 effort, Steve Poizner, who is a Republican candidate for insurance commissioner.

Legislative Democrats complained at Monday's hearing -- held to debate details of the measure on the Nov. 8 special election ballot -- that Prop. 77 is unfair and unworkable.

"This is simply about a political power grab," said Sen. Gloria Romero, D-Los Angeles. "One party is trying to get more control, and another party is trying to defend against it."

Republicans argued that the redistricting initiative is a much-needed reform that would take the power to change the lines of California's Assembly, state Senate and congressional districts from the politicians and give it to a bipartisan panel of three retired judges. Voters would then have to approve the new lines.

"This is not about Republicans or Democrats," said Assemblyman Kevin McCarthy, R-Bakersfield. "It's about the people having their say."

Prop. 77 backers say it would take the politics out of the redistricting process by forcing the new districts to be drawn without any partisan considerations -- making elections more competitive.

But while the measure doesn't allow the panel of judges to even look at the party breakdown in the new districts, supporters of the plan are confident it could lead to changes in the Assembly, state Senate and state congressional delegation, all now controlled by Democrats.

Backers of the measure cite the 2004 elections, where not one of the 153 legislative or congressional seats on the ballot changed parties, to argue that politicians of both parties have gerrymandered the competitiveness out of the state's elections.

Douglas Johnson of Claremont-McKenna College's Rose Institute, which has prepared

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Republican-supported redistricting plans in the past, produced a study suggesting that Prop. 77 would lead to seven competitive Assembly districts, eight competitive state Senate districts and 10 competitive congressional districts. Ted Costa, who helped write the measure, said the initiative could lead to partisan battles for as many as 30 seats.

But the details surrounding Prop. 77 drew the most concern at Monday's hearing. If the measure passes, for example, the state will have until Dec. 30 to select the panel of judges, hold three public hearings, draw the new districts and get them approved by the U.S. Department of Justice and the three-judge panel to have them ready for the June 2006 primary election.

"It would be incredibly difficult, if not impossible, to get this done before Dec. 30," said Karin MacDonald of the Institute of Governmental Studies at UC Berkeley.

The tight deadlines would cut many community groups out of the redistricting process, argued Eugene Lee of the Asian Pacific American Legal Center.

In the 2000 redistricting, "we worked for a year and a half to discuss draft plans and submit testimony," he said. "The incredibly compressed time period would eliminate the ability of citizen groups to have a voice."

The new redistricting also would rely on data from the 2000 census, which the state's population growth, along with the normal migration of people within the state, has left hopelessly outdated.

"The problem is that we don't know where these people are," said MacDonald of UC Berkeley. "We can't even find two estimates that agree on how many people there are in the state today."

The state already uses the 2000 census data for a variety of issues, so drawing new districts with the old numbers wouldn't make anything worse, said Sen. Jim Battin, R-La Quinta (Riverside County).

"The assumption is if the data was good then, it's good now," he said.

There were also concerns that the retired judges, who are most likely to be aging white males, couldn't fairly make political decisions for a sprawling, diverse state like California.

Under Prop. 77, California would be the only state to rely on retired judges to draw its political lines and would have the smallest redistricting commission in the nation.

"Considering the size of the state, (the judges) would become the three most powerful redistricting officials in the nation," said Tim Storey, a redistricting expert with the National Conference of State Legislatures.

Costa brushed aside the complaints. While the first redistricting under Prop. 77 might have its problems, he said, future efforts, which would be every 10 years starting after the 2010 census, "should only be minor adjustments based on population changes."

"We think the system is broke and needs repairing, and we can't wait another six years to do

it," he said.

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