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SECTION: VISION; Pg. F2**LENGTH:** 1225 words**HEADLINE:** State's complex system creates legions of bulletproof incumbents**BYLINE:** DOUGLAS JOHNSON **Rose Institute** at Claremon McKenna College**BODY:**

Redistricting "reform" advocates in California have a new resource on their side: the successes and failures of states using reformed approaches to their 2001 redistrictings. Before 2001, most reform concepts were untested. Today, we have examples that show the advantages and disadvantages of different reforms.

Although many other states have experienced redistricting abuse, California's record of partisan and bipartisan gerrymandering is practically unmatched.

Our current incumbent-protection gerrymander produced virtually invulnerable incumbents: In the 2002 election, the smallest margin of victory for any California congressional incumbent was more than 18%, and the average was 68%. Only an earthquake in the state's political landscape could endanger any incumbent in such extremely gerrymandered districts. This unresponsiveness to potential changes in the voters' views undermines the essence of representative government.

There are three main ingredients for reform:

Strict criteria that impose constraints on how the districts will be drawn.

A trustworthy person or persons in charge.

An open process with significant public participation.

The states that successfully adopted redistricting reform in the 1990s won over their voters through a focus on two clear and easily understandable goals: undivided communities of interest and competitive districts. California's incumbent-protection plans are deeply vulnerable on both scores, for they divide up communities of interest (to prevent the rise of community leaders as potential challengers), and they eliminate most competitive districts.

There are many available measurements of competitiveness: the presidential or gubernatorial vote in the district; averages of statewide elections; a combination of vote results and registration; statistical measures such as the "Judgelt" system used by Arizona's Independent Redistricting Commission; and other approaches.

A redistricting commission should be assigned, as a first task, the selection of an appropriate measure of competitiveness.

Communities of interest pose a more difficult challenge. The **Rose Institute's** years of research led to some

clear conclusions.

First, the best definitions of communities of interest are provided by the people who live in those communities. We have shown that ordinary citizens are both interested and capable enough to develop such definitions. Also, the people drawing the district lines should not be the same ones defining the communities of interest: The processes are distinct and should be kept separate.

California is far too large and diverse for any commissioner entirely to understand its many communities in the limited time available for redistricting. Moreover, the definition of "community" can become a tool to justify a plan after the fact, instead of guiding plan creation.

The **Rose Institute** has recommended and tested an approach to defining communities called "units of representation." First used in local redistrictings in California and Arizona, the approach involves local officials excluded from past redistrictings.

Under this approach, each mayor and county supervisor would appoint a representative to a county committee that would divide the county into community-based "units of representation." The redistricting authority would be required to use these locally defined communities as the building blocks for its plan.

In addition to the important and complex requirements of unifying communities and selecting a measure of competitiveness, there are other, relatively straightforward criteria to guide redistricting: equal populations in each district, undivided counties and cities, compact and contiguous districts and the creation of state Senate and Board of Equalization districts by grouping state Assembly districts.

The second ingredient for effective reform is the selection of trustworthy persons to draw the lines. The states that have implemented redistricting reforms have tried various approaches to this selection: bipartisan commissions with an independent chairman; bipartisan commissions with supermajority requirements for plan adoption; and panels of retired judges.

Any commission will come under enormous political pressures, for most incumbents will fight desperately against the creation of competitive districts. This summer the **Rose Institute** will complete a study showing which type of redistricting commission was best able in 2001 to resist incumbent and party pressure. Any commission, however, is preferable to redistricting by self-interested legislators.

Include the public

The third ingredient for reform is public participation. There are two components to public participation: input and information. "Public input" means the commission should be required to hold public hearings in every region of the state, both to gather ideas before drafting its districting plans and to generate feedback after releasing its draft plans. Any significant change to a proposed plan should require additional public hearings on the change. There should be no last-minute surprise plans adopted.

"Public information" means all draft and significantly revised districting plans must be distributed with sufficient time for analysis prior to public hearings - at least 15 to 30 days.

Of course, federal laws including the Voting Rights Act and equal population requirements must be obeyed. Reformers should also consider giving protections to groups victimized by past discrimination that go beyond those of the Federal Voting Rights Act. One such option would be to apply statewide the Voting Rights Act's Section 5 protections against retrogression (currently only four California counties are subject to that portion of the Voting Rights Act).

There are two additional reform ideas that I would not consider requirements, but that certainly add a bit of spice. One is to hold a statewide vote on any new districts. Given the limited time between the Census and the next election, the new districts would have to be used for the immediate election (for example, in 2012), but the voters could decide whether those districts would remain or be redrawn for 2014.

The other possible idea is to give the Legislature a set number of days to hold public hearings and develop the initial plan using the strict criteria described above. The commission would use the Legislature's plan as its own draft plan, and, following its own public hearings, the commission could endorse the legislative plan, modify it or reject it entirely and draw its own plan.

Even a partial mix of these ingredients will improve on the incumbent-protection plan in California today. The

recall election clearly represented a call for change, but California has yet to discover if the recall is a one-time uprising or the start of a permanent revolution for California governance.

The Voter Choice initiative already on the ballot in November is a first step toward lasting change. Effective redistricting reform would be a powerful second step toward the creation of competitive elections and a legislature that better represents California's voters.

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GRAPHIC: SW PARRA - THE FRESNO BEE ILLUSTRATION - The poison handshake see microfilm or PDF page for complete details.

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