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CAMPAIGN 2005
Political boundary battle hits ballot
for 6th time

Awareness growing, say Prop. 77
backers, including governor

- [John Wildermuth, Chronicle Political Writer](#)
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Supporters of Proposition 77 are hoping the sixth time is a charm.

Since 1982, five initiatives to change the way California draws its political boundaries have made the ballot. Not one of those redistricting measures has become law.

"What's different this time?" said Ted Costa, the veteran activist behind the measure. "There's more public awareness than ever this year. The more people who know about redistricting, the stronger we get."

Costa also has the backing -- and financial support -- of Republican Gov. Arnold Schwarzenegger, who has made the redistricting effort one of his priorities in the Nov. 8 special election.

In his State of the State address in January, Schwarzenegger said changes were needed to make elections for the Assembly, state Senate and Congress more competitive and democratic.

"The current system is rigged to benefit the interests of those in office, not the interests of those who put them there," the governor said. "And we must reform it."

The law now requires the Legislature to redraw California's political boundaries every 10 years to reflect the population changes in the most recent census. The redistricting plan must be passed by both the Assembly and state Senate and signed by the governor.

Under Prop. 77, reapportionment power would be stripped from the Legislature and given to a bipartisan panel of three retired judges. The panel would not be allowed to consider political party affiliations when drawing the boundaries and would have to avoid, as much as possible, splitting cities and counties into different districts.

Although any new redistricting plan would take effect immediately, voters would have to approve it at the next general election. If they turned it down, a new panel of judges would have to come up with a new reapportionment plan.

If passed, new district lines could be drawn for the 2006 or, more likely, the 2008 elections. A second reapportionment, using a different panel of judges, would take place after the 2010 census and every 10 years after.

While a poll last month by the Public Policy Institute of California showed Prop. 77 losing

by 50 percent to 33 percent among likely voters, it also showed that only 28 percent of likely voters are pleased with the job the Legislature is doing. Costa hopes to use that distaste for the Legislature to boost his campaign. Schwarzenegger's support of Prop. 77, which is also backed by the state Republican Party, has raised plenty of suspicions among Democrats and their allies.

"The mid-decade redistricting is intended to give Republicans an advantage, just like Tom DeLay's reapportionment did in Texas," said Art Torres, chair of the California Democratic Party.

In 2003, DeLay, the No. 2 Republican in the House, worked with his allies in the Texas Legislature to jam through a highly partisan, mid-decade redistricting plan that just a year later gave Republicans six new congressional seats in the state.

Prop. 77 backers argue that it would be impossible to design a system more partisan than the one California now uses.

In the 1980s, when Democrats controlled the redistricting, the late Rep. Phillip Burton, D-San Francisco, put together a plan that gave his party five new congressional seats, despite the growing Republican power of the Reagan presidency. In 2000, Democrats worked with the GOP to protect incumbents of both parties by designing oddly shaped districts that linked enough vaguely related partisan enclaves to keep the same party in control. The result was a 2004 election where not one of the 153 Assembly, state Senate and congressional seats at risk changed parties.

By taking politicians out of the redistricting process, Prop. 77 supporters say the judges can create new districts that will group people by where they live and what they do, rather than which party they vote for. The measure is designed to avoid districts like the current 23rd Senate District, which stretches for miles to clump together the intensely urban areas of West Hollywood and Santa Monica and the agricultural center of Oxnard.

"The purpose of redistricting shouldn't be to guarantee a (political) result, but to draw a compact district," said Joe Shumate, a GOP redistricting expert who supports Prop. 77. "If Republicans can't win, that's their problem."

But while even Democratic leaders like Torres and Assembly Speaker Fabian Núñez agree that changes may be needed in the reapportionment process, they are adamant that Prop. 77 isn't the way to do it.

A mid-decade reapportionment would rely on census data years out of date, essentially disenfranchising people who have moved into the state or even changed addresses in California since 2000, Torres said.

"If the redistricting didn't take place until after the 2010 census, it would remove a lot of hard opposition to Prop. 77," he said.

Others argue that it's unfair to replace legislators from across the state with a trio of retired judges, who are almost certainly going to be older, wealthier and more likely to be white than the majority of California residents.

"You're going to have three judges who could be from anywhere in the state making decisions for every single Californian, regardless of where they live," said Paul Hefner, a spokesman for the No on 77 campaign.

Any redistricting commission should reflect the socio-economic, gender, racial and ethnic diversity of the state, agreed Ann Marie Tallman, president of the Mexican American Legal Defense and Educational Fund.

Not all Democrats involved in the redistricting process agree there's a problem.

The last redistricting was approved only after public hearings and plenty of closed-door arguments between Republicans and Democrats, said Kam Kuwata, a Democratic consultant who worked on the Assembly redistricting plan.

"People say that the legislators cut deals, but that's the negative spin," he said. "In the legislative process aren't you supposed to negotiate and come to some sort of a compromise?"

Schwarzenegger and others argue that the compromises in a redistricting plan developed by the Legislature are more likely to favor the incumbents than the voters. They believe that more competitive districts would force candidates to pay attention to all the voters in their districts, not just the ones in the majority party.

It's not only California that's seen the number of contested political races plummet. In 2002, only four incumbents in the nation lost their seats. That number rose to seven in 2004, but four of them were Democratic victims of DeLay's midterm Texas reapportionment.

While 13 states use some type of commission to handle reapportionment, that doesn't always translate to tight races. Just as in the rest of the country, most of the incumbents there won, also.

But a nonpartisan redistricting can put more seats up for grabs, said Douglas Johnson, a fellow of the Rose Institute of State and Local Government at Claremont McKenna College.

In 1992, for example, the reapportionment was done by special masters appointed by the state Supreme Court after Republican Gov. Pete Wilson and the Democrat-led Legislature deadlocked over the redistricting plans.

Between 1992 and 2000, Johnson's research shows that 10 congressional districts, six state Senate districts and 14 Assembly districts changed parties at least once, with 13 of the districts turning over twice in the five elections. In each election year, a minimum of two Assembly districts, one state Senate district and three congressional districts switched hands. Republicans even briefly took control of the Assembly in 1994.

Proposition 77

What it would do: Take the authority of redrawing California's Senate, Assembly, congressional and Board of Equalization districts away from state lawmakers and give it to a three-member panel of retired judges selected by legislative leaders.

The politics behind it: Gov. Arnold Schwarzenegger argues that the current system produces gerrymandered districts that lock in entrenched incumbents. Opponents see it as a mid-decade power grab by Republicans.

Who supports it: Schwarzenegger and some government reform groups such as Common Cause and the California Public Interest Research Group.

Who opposes it: Democratic state legislative leaders say they are open to changing redistricting rules but oppose doing so before new census data are available at the end of the decade. Some Democratic and Republican members of Congress also oppose it.

Read the fine print: www.voterguide.ss.ca.gov/prop77/title_summary.shtml

Fifth in a series

This is the fifth in a series of stories examining the eight measures that will appear on the Nov. 8 special election ballot.

E-mail John Wildermuth at jwildermuth@sfchronicle.com.

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