
Posted on Sun, Oct. 02, 2005

Vote yes on Proposition 77

INITIATIVE CAN KEEP PARTY POLITICS OUT OF THE REDISTRICTING PROCESS

Mercury News Editorial

Politicians are picking the voters instead of voters picking the politicians.

Gov. Arnold Schwarzenegger uses this formula to sum up his case for Proposition 77, reform of redistricting. It encapsulates what's wrong with the current system of drawing legislative and congressional districts. Politicians create districts to advance their own political prospects.

It's a conflict of interest, plain and simple, that should be eliminated.

Proposition 77 would put the redistricting pen in the hands of an independent panel. It has its flaws. But they are outweighed by its central virtue: It takes redistricting away from the people who regularly exploit it for partisan and personal advantage. Voters should pass it Nov. 8.

New district lines are drawn every 10 years, after the national census, to adjust for population growth and movement. Under the current system, the Legislature -- meaning party leaders and consultants -- prepares a plan. Like a bill, it requires passage by the Legislature and the governor's signature to take effect.

When one party controls the Legislature and the governor's office, it's a pig-out, with the alpha party drawing as many friendly districts as it can. Even when party power is divided, redistricting tends to be a bipartisan conspiracy that creates safe districts for each party, eliminating real choices for voters. The parties also cater to individual incumbents, protecting them from potential challengers.

Examples abound of outrageously designed districts that result from this ``gerrymandering." One local example will suffice. To create a Republican seat, the 15th Senate District runs 200 miles from South San Jose to northern Santa Barbara County. About all the two ends have in common is proximity to Highway 101.

Statewide, districts are so uncompetitive between Democrats and Republicans that in 2004, none of the 153 Assembly, Senate and congressional seats on the ballot changed from one party to the other.

The alternative proposed by Proposition 77 is a bit convoluted, but it amounts to this: A panel of three retired judges would draw political districts.

Their guidelines would be: Districts are equal in population; avoid splitting counties and cities between districts; keep districts compact; ignore data about party registration; and (the state has no choice about this) comply with the federal Voting Rights Act, which protects the electoral opportunities of minorities.

Supporters of Proposition 77 often talk as if it will usher in a whole new era of competitive elections, producing legislators better attuned to their districts.

It won't. Modest expectations are in order. Unless a redistricting plan sets out to create competitive districts -- which would require gerrymandering of a different sort -- most districts will be safe for Democrats or Republicans. That's a demographic/geographic inevitability. The Bay Area is predominantly Democratic, for instance, and its representatives would remain so even if the proposition passes.

A study by the Rose Institute at Claremont McKenna College estimates that the number of competitive congressional districts would increase to 10 (from zero) out of 53; in the Assembly, to seven (up from four) out of 80; and in the Senate, to eight (up from one) out of 40. It expects the Democrats and Republicans to be affected equally.

But the fact that redistricting reform is not a cure for all that ails California politics is no reason not to go forward with the elimination of this conflict of interest.

Opponents -- the principled ones such as civil rights groups, not the party powers who like the current system -- raise a number of valid criticisms of the particulars of Proposition 77's reform plan.

The panel could be larger and more diverse. It has only three members, and the pool of retired judges from which it will be selected skews white and male compared to the overall population. Broader would be a little better.

But the panel can easily compensate by allowing interest groups enough opportunity to analyze and respond to a draft plan. Besides, the criteria in the initiative constrain what any panel of three or 13 can do. Plus, minorities are protected by the Voting Rights Act.

Proposition 77 also requires a new district map for the June primary. Analyzing population data, drawing new lines, holding hearings and revising the plan will be hard to accomplish in time. If practical considerations or court rulings delay its implementation, even until the next regularly scheduled redistricting in 2011, we wouldn't mind.

So while we think Proposition 77 could be better, we think it's good enough. Redistricting reform will happen only by initiative. The Legislature has no incentive to offer reform. Voters should seize this opportunity.