



Redistricting Fact Sheet

What is redistricting?

Every ten years, after the U. S. Census counts how many Americans there are, Congress redistributes the 435 seats in the House of Representatives to each state based on changes in each state's population. This is called "reapportionment." Then, states are responsible for drawing the district boundaries for Congress, the state legislatures, and other districts, again based on the new Census data. This is called "redistricting." In California, we redistrict congressional districts, the 80 State Assembly districts, the 40 State Senate districts, and the 4 Board of Equalization districts. Both of these steps are required by the U.S. Constitution.

What is wrong with the way redistricting has been done in the past?

Before Proposition 11 was passed, the power to draw district lines in California resided with the State Legislature. In addition to drawing congressional and board of equalization districts, state legislators decided the boundaries of their own districts. In 2001, California state legislators – both Democrat and Republican – agreed to create safe seats for every incumbent in the legislature and all of California's Congressional Districts. The result of this was that in the 2002 election, not one congressional challenger (of the 50 running in the general elections) won even 40% of the vote. In 2002, 2004, and 2006, not one incumbent lost a state legislative seat to a challenger. In 2006, only one Congressional incumbent lost (Richard Pombo).

Some experts argue that competition is not necessarily a good thing – it makes campaigns more expensive for candidates and contributors. Others argue that controlling the process and the likely outcomes is the right of the dominant party. Others, however, believe the right of voters to decide who will represent them and to have meaningful options at election time should be paramount. They argue that changing the old system in which legislators draw their own districts will produce more candidate choices, more opportunities for political newcomers, a more responsive legislature, and more public confidence in the political system.

What does the Voters FIRST Act (formerly Proposition 11) do?

The Act creates a 14-member independent citizens commission to redraw state legislative district lines every ten years based on strict non-partisan rules.

Who will be on the Citizens Redistricting Commission?

The Commission will include five Republicans, five Democrats and four members not associated with either of the two major parties. The Act excludes individuals with obvious conflicts of interest, including elected officials and their staff, from serving on the Commission. Potential commission members could include university professors, CPAs, physicians, nurses, engineers, community advocates, teachers and more. There are also provisions in the Act requiring the Commission to represent the state's significant diversity, including ethnic and regional considerations. If you think you may be interested in applying for the Commission, the best way to keep updated is to sign up for the State Auditor's "interested persons" list by sending an email to Barbara Paget at barbarap@bsa.ca.gov with your contact information.

How are the Commission members chosen?

Beginning January 2010 and every ten years thereafter, the California State Auditor will initiate an application process open to registered voters in a manner that “promotes a diverse and qualified applicant process.” This could mean advertising in newspapers or other publications in communities, professions, etc. From this group of applicants, people with conflicts of interest will be removed by the Auditor, and a three-person auditor panel will pick 60 finalists, including 20 Democrats, 20 Republicans and 20 others from the total pool of applicants. This group of 60 will be submitted to the legislative leadership from both parties who can strike eight from each group of 20. The Auditor will then use random selection to choose eight commissioners from this group and the eight commissioners will choose the final six, for a total of 14.

Who appoints the Auditor and how is the Auditor qualified to oversee creation of the Citizens Redistricting Commission?

Under California law, the Legislature, through its bipartisan, bicameral Joint Legislative Audit Committee, nominates three qualified individuals to be State Auditor after a majority vote of the committee membership from each house of the Legislature. This list is then submitted to the Governor who appoints the State Auditor to a four-year term. The State Auditor is chosen without reference to party affiliation and solely on the ground of fitness to perform the duties of the office.

The office is considered to be highly independent. To insulate it from attacks or retaliation from the Legislature or Governor, laws have been enacted to make the office independent of control by the Legislature or the Governor. In the last 30 years, there have only been three State Auditors.

How many Commission votes are needed to approve district maps?

Nine votes are needed to approve the final district maps - three Democrats, three Republicans, and three others. If the Commission is unable to achieve the nine votes needed to approve the district maps, the Secretary of State will immediately petition the California Supreme Court to appoint a special master to finalize the maps in accordance with the criteria in the initiative.

How are communities of interest protected under the new redistricting rules?

Districts that cut up counties, cities and communities leave voters with no political voice and no election choice. By respecting communities, cities and counties, the Voters FIRST Act ensures that voters have a greater political voice to demand that the issues important to us are addressed by the people we choose to elect.

The Voters FIRST Act also protects communities of interest by stating that the districts shall comply with the Federal Voting Rights Act and ensure that “the geographic integrity of any city, county, neighborhood, or community of interest shall be respected.”

How will the public have a voice in the redistricting process?

The Act states that “the commission must establish and implement an open hearing process for public input and deliberation that shall be subject to public notice and promoted through a thorough outreach program to solicit broad public participation in the redistricting public review process.”

Members of the public are also being encouraged to provide input to the State Auditor’s Office, which is currently in the process of designing the application, developing qualification criteria and finalizing plans for outreach to potential applicants to be conducted later this year.