



NALEO NEWS

National Association of Latino Elected and Appointed Officials

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NALEO Opposes Proposition 20's Flawed Proposal for California Redistricting

Proposition 27 would also create obstacles for the fair representation of Latinos in California

LOS ANGELES, CA – *The National Association of Latino Elected and Appointed Officials (NALEO) issued the following statement regarding Proposition 20 and Proposition 27, two ballot measures which would make significant changes to California's redistricting process:*

NALEO has articulated principles to guide its assessment of redistricting proposals. Under these principles, we firmly believe that the redistricting process should be constructed in a way that guarantees adherence to the Constitution, federal law and the Voting Rights Act of 1965 (VRA), and the full and meaningful participation of the public. The entities which conduct redistricting must reflect the diversity of their jurisdiction's population. For the reasons set forth below, the redistricting processes proposed in Proposition 20 and Proposition 27 are not consistent with our principles, and we urge Californians to vote against them.

Proposition 20

Proposition 20 would subject Congressional redistricting to the same flawed approach which now governs the drawing of state legislative and Board of Equalization district lines. This measure would also reduce the time available for redistricting, which would jeopardize the ability of the public to participate meaningfully in the redistricting process.

Proposition 20 would transfer the responsibility for drawing Congressional maps during redistricting to the state's new Redistricting Commission, which is now only responsible for drawing state maps. NALEO opposed the ballot measure (Proposition 11) which established the process for appointing Commissioners because it created a serious risk that the Commission would lack accountability and expertise, and its membership would not reflect the geographic, racial, ethnic, gender, and age diversity of California.

In this process, a panel of randomly-chosen state auditors first creates a pool of 120 nominees for the 14-member commission. The auditors then reduce that number to 60. Next, California's four top legislative leaders can strike up to 24 candidates from this pool of 60, leaving 36. The State Auditor will then randomly draw names from the pool to fill eight commission seats, and the eight selected commissioners will vote to fill the remaining six seats from the applicant pool.

Proponents of the Commission selection process maintain that the pool of 60 nominees selected by the state auditor panel does include representation from the state's diverse communities, including 17 Latinos. However, the relative diversity of this pool does not ensure that the actual Commission will be diverse.

The current 60-member pool is divided into three groups – 20 Democrats, 20 Republicans, and 20 individuals unaffiliated with either party. The 17 Latinos are not equally distributed among the three groups of candidates. Seven of the 20 Democrats, six of the 20 unaffiliated, and only four of the 20 Republicans are Latinos. But the final Commission must include five Democrats, five Republicans, and four unaffiliated. The opportunity of the top legislative leaders to eliminate eight candidates from each group will create risk for the adequate inclusion of Latinos. And the random selection process will make it impossible to ensure adequate Latino representation among the eight Commissioners who choose the additional six. Those eight are required to act in a manner that ensures diversity of the overall Commission, but that may be impossible to achieve if the first eight are not sufficiently diverse.

Moreover, diverse Commissions could be harder to achieve in future redistrictings. This year, many organizations, including the NALEO Educational Fund, actively advocated with the Bureau of State Audits (the "BSA," which managed the process) and the auditor panel to consider the diversity of the applicant pool throughout the selection process. The NALEO Educational Fund also worked with several other non-profit organizations to encourage individuals from diverse communities to apply and gave them technical assistance. These efforts were made possible in part by private funding. In future redistrictings, different BSA staff could take part, and the panel of auditors will almost certainly be different. Thus, no one can assure the same level of responsiveness to advocacy efforts in future redistrictings. Similarly, there is no guarantee that non-profit groups will receive adequate funding for promotion or assistance. The selection process for the applicant pool is fundamentally flawed, and achieving a diverse pool depends on too many factors which could vary greatly from redistricting to redistricting.

Furthermore, California's Latino population is concentrated in Los Angeles County – 35% of the state's Latinos and 41% of the Latinos in the 60-member Commission applicant pool are from that county. Under Proposition 11, the Commission must reasonably reflect the geographic diversity of the state. It is unclear how the panel of auditors that chooses the applicants or the legislative leaders who exercise their strikes will interpret this requirement. If they do so in a manner that requires every single region in the state to be represented on the 14-member Commission, then they may disproportionately reduce the number of applicants from Los Angeles, which will in turn create the risk of reduced Latino representation on the Commission.

The Commission applicant selection criteria and restrictions on future service of the Commissioners also unreasonably prevent or discourage capable individuals from serving. While it is important that there be provisions to ensure that commissioners avoid conflicts of interest and the appearance of impropriety, these requirements must be reasonable. However, the provisions of Proposition 11 which established these requirements are overly broad. During the NALEO Educational Fund's outreach and assistance efforts, we found that many qualified citizens were barred from the Commission because of some of the most basic acts of civic participation that create no meaningful risk of conflict of interest. We believe that the overly-broad conflict of interest provisions were one reason that the initial pool of applicants who successfully completed the first stage of the application process lacked significant diversity. About 10% of the applicants in this pool were Latino, about 5% were Asian/ Pacific Islanders, and only 32% were female. In contrast, California's overall population is 37% Latino, 13% Asian/Pacific Islanders, and 50% female. Many of the well-qualified potential applicants we encountered in our own outreach efforts simply could not apply because of the unreasonable conflict of interest requirements.

Finally, Proposition 20 would reduce the time provided to the Commissioners to produce final redistricting maps by one month. One of the reasons we opposed Proposition 11 is because we did not believe it permitted sufficient time for the Commission to carry out the entire redistricting process: meeting, hiring staff and consultants, organizing and holding hearings, disseminating proposed maps, and deliberating. There is a serious risk that under Proposition 20's timetable, the Commission will shorten

the amount of time provided for public hearings and comment. This telescoped period is unlikely to provide enough time to conduct a sound and open redistricting process.

Proposition 27:

NALEO is also extremely concerned about the impact of Proposition 27 on the ability of California to conduct redistrictings which comply with the VRA and provide federally-protected groups with a fair opportunity to elect the candidates of their choice. Proposition 27 would eliminate the Commission entirely, and would impose standards to make redistricting by the state legislature more open and accountable, which NALEO supports. However, it would also impose inflexible requirements regarding the size of state districts, mandating that they be virtually equal in population.

Under the U.S. Constitution, in order to preserve the principle of “one person, one vote,” districts must be roughly equal in size. However, both the Constitution and California law allow some deviation from precise equality in district size. The flexibility to deviate from precisely-equal district size is essential to preventing under-represented communities from being split up during redistricting and to populating districts in a manner that provides those communities with fair electoral opportunities.

Census 2010 data are certain to show that California’s population has become even more diverse. Proposition 27’s proposed redistricting criteria could weaken our democracy by preventing Latinos from continuing their progress toward full and fair representation in California.

NALEO urges a NO vote on both Propositions 20 and 27.

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About NALEO

The National Association of Latino Elected and Appointed Officials is the leadership organization of the nation's more than 6,000 Latino elected and appointed officials.