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A Comparative Overview of California  
Redistricting Reform Proposals in 2008

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## Introduction

The Center for Governmental Studies (CGS) has compiled the following comparative overview of California's 2008 redistricting reform proposals in chart form. The overview outlines the major provisions of the following:

- The current redistricting law, Article XXI of the California Constitution
- Voters FIRST Initiative, Proposition 11, sponsored by California Common Cause, AARP, Governor Schwarzenegger and the Los Angeles Chamber of Commerce
- Assembly Constitutional Amendment 1 (ACA 1) and AB 3069 sponsored by former Speaker of the California Assembly Fabian Núñez
- The model redistricting plan developed by CGS and other civic organizations

CGS has over 25 years of experience in policy research and analysis in the area of California governance. During the last three years, CGS has partnered with Demos in the production of two redistricting reform publications, *Drawing Lines: A Public Interest Guide to Real Redistricting Reform* and *Re-Drawing Lines: A Public Interest Analysis of California's 2006 Redistricting Reform Proposals*. In 2005, CGS also developed a model redistricting law (the model law and both publications are available on the CGS website, [www.cgs.org](http://www.cgs.org)).

For more information or to order publications, please contact our California Governance Project Manager, Sasha Horwitz, at (310) 470-6590, extension 104 or [shorwitz@cgs.org](mailto:shorwitz@cgs.org).

# CGS COMPARATIVE OVERVIEW OF CALIFORNIA REDISTRICTING REFORM PROPOSALS IN 2008

## A. Overview of Redistricting Body

|   | <b>CURRENT REDISTRICTING LAW</b><br>(Article XXI) | <b>VOTERS FIRST INITIATIVE</b><br>(Proposition 11) | <b>NÚÑEZ PLAN</b><br>(ACA1, AB3069)                         | <b>CGS IDEAL PLAN</b> |
|---|---|--|---|-----------------------|
| Are major parties guaranteed equal representation on the redistricting body?  | No  | Yes  | Yes   | Yes                   |
| Are citizens with conflicts of interest prohibited from serving on the redistricting body?                          | No  | Yes  | No  | Yes                   |
| Are redistricting body members selected by the legislature?   | Yes   | No   | 8 selected by the legislature<br>9 selected by the governor | No                    |
| Is the redistricting body likely to reflect California's diversity?   | No  | Uncertain  | Yes   | Yes                   |
| Are the boundaries of neighborhoods, communities, cities and counties likely to be respected?                       | Uncertain   | Yes  | Yes   | Yes                   |
| Will the redistricting body draw boundary lines for congressional districts?  | Yes   | No   | No  | Yes                   |
| Are all redistricting body meetings required to be open to the public?  | No  | Yes  | Yes   | Yes                   |
| Are most of the redistricting body's data and documents to be made public?  | No  | Yes  | Yes   | Yes                   |
| Is the redistricting body likely to receive adequate funding to meet its objectives?                                | Yes   | Yes  | Yes   | Yes                   |
| Will the redistricting body's proposals be implemented without requiring an additional legislative or popular vote? | No  | Yes  | Yes   | Yes                   |

# CGS COMPARATIVE OVERVIEW OF CALIFORNIA REDISTRICTING REFORM PROPOSALS IN 2008

## B. Redistricting Body Membership

|  | <b>CURRENT REDISTRICTING LAW</b><br>(Article XXI)  | <b>VOTERS FIRST INITIATIVE</b><br>(Proposition 11)   | <b>NÚÑEZ PLAN</b><br>(ACA1, AB3069)   | <b>CGS IDEAL PLAN</b>  |
|--|--|--|---|--|
| Type of members  | Legislators  | Citizens   | Citizens  | Citizens   |
| Number of members  | Varies   | 14   | 17  | 11 (or more)   |
| Voting requirement   | Majority of committee needed to send maps to full legislature<br>Majority of legislature needed to send maps to Governor<br>Gubernatorial signature need for final passage | Balanced majority of 9<br>(At least 3 Dems/3 Reps/<br>3 independents)  | 12 votes needed to approve maps<br>(At least 6 votes from commissioners selected by the governor and at least 6 votes from commissioners selected by legislative leaders)   | Balanced majority of 6<br>(At least 1 Dem/1 Rep/<br>1 Independent)   |
| Requires equal representation of two largest political parties | No   | Yes  | Yes   | Yes  |
| Disqualifying past experience                                  | None   | Provisions apply to panel, commissioners and their family members<br>Provisions apply to experience in the past 10 years<br>Disqualifying Experience:<br><ul style="list-style-type: none"> <li>- Election, candidacy or appointment to federal or state office</li> <li>- Officeholder, employee or paid consultant to political party or to campaign committee of a candidate for elective federal or state office</li> <li>- Election or appointment to party central committee</li> <li>- Registered as lobbyist</li> <li>- Served as paid congressional, legislative or BOE staff</li> </ul> (continued on next page) | Provisions apply to commissioners and their family members<br>Disqualifying Experience:<br><ul style="list-style-type: none"> <li>- Election to or candidacy for state or federal elected office in the current or immediately preceding term</li> <li>- Officer in a political party during preceding year</li> <li>- Registered lobbyist during preceding year</li> <li>- Employee of or consultant to BOE, statewide elected officer, congressional member, legislator or legislative committee during preceding year</li> </ul> | Provisions apply to commissioners and their family members<br>Provisions apply to experience in the past 10 years<br>Disqualifying Experience:<br><ul style="list-style-type: none"> <li>- Election, candidacy or appointment to public office</li> <li>- Officeholder in political party</li> <li>- Election or appointment to party central committee</li> <li>- Contributor of \$10,000 or more in total contributions to candidates for governor, US Congress, state legislature or BOE member</li> <li>- Staff member to or consultant under contract with legislature, congress or BOE</li> </ul> (continued on next page) |

# CGS COMPARATIVE OVERVIEW OF CALIFORNIA REDISTRICTING REFORM PROPOSALS IN 2008

## B. Redistricting Body Membership *(continued)*

|                                      | CURRENT REDISTRICTING LAW<br>(Article XXI) | VOTERS FIRST INITIATIVE<br>(Proposition 11)  | NÚÑEZ PLAN<br>(ACA1, AB3069)  | CGS IDEAL PLAN   |
|--------------------------------------|--|--|---|--|
| Disqualifying past experience        | None                                       | <ul style="list-style-type: none"> <li>- Contributor of \$2,000 or more to a candidate for congressional, state or local office</li> <li>- Financial interest or family relationship with governor, state legislator, congressional member or BOE</li> </ul>   | (see previous page)   | <p>In the past 5 years, having registered as a lobbyist or employee or consultant of registered lobbyist</p> <p>In past 3 years, having changed partisan affiliation</p>   |
| Limitations on future public service | None                                       | <p>Ineligible to run for office at federal, state, county or city level for 10 years</p> <p>Ineligible to hold appointed federal, state or local public office or serve as paid staff to the legislature or a legislator for 5 years</p> <p>Ineligible to register as a federal, state or local lobbyist in California for 5 years</p> <p>Commissioners serve until the next commission is appointed, effectively 10 years</p> | <p>Ineligible to hold elected public office in California for 3 years after commission service</p> <p>Ineligible to hold paid appointed public office for 3 years</p> <p>Ineligible to register as a lobbyist in California for 3 years</p> | <p>Ineligible to run in districts created by the commission or to work for those holding such offices while the adopted plan is in effect and for 3 years after</p> <p>Ineligible for appointment by governor, member of legislature, congress, or BOE to paid public position</p> <p>Ineligible to register as a lobbyist for 3 years after serving</p> <p>Commissioners serve until the next commission is appointed, effectively 10 years</p> |

**C. Measures of Independence and Competition**

|  | <b>CURRENT REDISTRICTING LAW</b><br>(Article XXI) | <b>VOTERS FIRST INITIATIVE</b><br>(Proposition 11)   | <b>NÚÑEZ PLAN</b><br>(ACA1, AB3069)  | <b>CGS IDEAL PLAN</b>   |
|--|---|--|--|---|
| Nomination and appointment by a body independent of the legislature and governor | No  | Yes  | No   | Yes   |
| Funding  | n/a   | \$3 million, adjusted by the Consumer Price Index, which may be supplemented, but not reduced by the legislature   | Governor's budget must include sufficient funding to meet the estimated expenses of the commission for two years | \$5 million, adjusted by the Consumer Price Index, which may be supplemented, but not reduced by the legislature  |
| Compensation   | n/a   | \$300 for each day of involvement in commission's business, adjusted by the Consumer Price Index<br><br>Reimbursement for personal expenses incurred in conduct of commission's business | Reimbursement for personal expenses incurred in conduct of commission's business                                 | Applies to both commissioners and nominating panel<br><br>\$300 for each day of involvement in conduct of panel's or commission's business, adjusted by the Consumer Price Index<br><br>Reimbursement for reasonable expenses incurred in conduct of panel or commission's business |

**D. Appointment Process**

|                                       | <b>CURRENT REDISTRICTING LAW</b><br>(Article XXI)  | <b>VOTERS FIRST INITIATIVE</b><br>(Proposition 11)  | <b>NÚÑEZ PLAN</b><br>(ACA1, AB3069)   | <b>CGS IDEAL PLAN</b>   |
|---------------------------------------|--|---|---|---|
| Candidate pool selection process      | Assembly Speaker selects<br>Assembly committee membership<br><br>Senate Rules committee selects<br>Senate committee membership | All voters are eligible to nominate themselves for commission<br><br>State Auditor selects 3 member Applicant Review Panel from registered auditors, which must cut commission pool to 60 qualified candidates            | Panel of sitting and retired judges establishes a pool of 45 candidates<br><br>Legislative leaders select 8 additional commissioners  | Panel of retired judges or retired county and city clerks establishes a pool of 75 qualified candidates   |
| Candidate pool composition            | Majority of seats held by majority party   | 20 candidates registered with each of the two largest parties and 20 not registered with either of the two largest parties  | Judge-selected pool:<br>15 candidates registered with each of the two largest parties and 15 not registered with either of the two largest parties<br><br>Legislature-selected pool:<br>4 commissioners registered with each of the two largest parties | 25 candidates registered with each of the two largest parties and 25 not registered with either of the two largest parties  |
| Candidate pool diversity requirements | None   | The pool shall be created on the basis of the ability to be impartial, and appreciation of California's diverse demographics and geography<br><br>Pool has no racial, ethnic, geographic or gender diversity requirements | Panelists, pools of qualified nominees and members of the commission shall be representative of state's racial, ethnic, geographic and gender diversity   | Selection process shall be designed to ensure that panelists, pool of candidates and commissioners are reasonably representative of state's racial, ethnic, geographic and gender diversity |

**D. Appointment Process** *(continued)*

|   | <b>CURRENT REDISTRICTING LAW</b><br>(Article XXI)  | <b>VOTERS FIRST INITIATIVE</b><br>(Proposition 11)  | <b>NÚÑEZ PLAN</b><br>(ACA1, AB3069)   | <b>CGS IDEAL PLAN</b>   |
|---|--|---|---|---|
| Legislative leaders' procedure for nomination or preemptory challenge of nominees | Assembly Speaker selects Assembly committee membership<br>Senate Rules committee selects Senate committee membership | Each of the 4 legislative leaders may strike up to 2 candidates from each major party and up to 2 candidates not registered with either major party for a total of 6 strikes per legislative leader   | Each of the 4 legislative leaders selects 2 commissioners from the same party as that leader for a total of 8 commissioners   | Each of the 4 legislative leaders may strike up to 2 candidates from each major party and up to 2 candidates not registered with either major party for a total of 6 strikes per legislative leader |
| Final selection   | n/a  | The Applicant Review Panel selects at random 8 commissioners from pool (3 Dems, 3 Reps, and 2 individuals not affiliated with either of the two largest parties)<br><br>These commissioners select additional 6 commissioners from the remaining pool (2 Dems, 2 Reps, and 2 individuals not affiliated with either of the two major parties) working to ensure the commissioners are representative of the state's racial, ethnic, geographic and gender diversity | Judge-selected pool:<br>Governor may strike up to 2 candidates from each major party and up to 2 candidates not affiliated with either of the two largest parties<br><br>9 commissioners selected at random from remaining pool (3 from each pool)<br><br>Legislature-selected pool:<br>All 8 serve on commission | 4 commissioners affiliated with each of the two largest parties and 3 commissioners not affiliated with either of the two largest parties are randomly selected from the remaining candidate pool   |



# CGS COMPARATIVE OVERVIEW OF CALIFORNIA REDISTRICTING REFORM PROPOSALS IN 2008

## E. Redistricting Criteria

|  | <b>CURRENT REDISTRICTING LAW</b><br>(Article XXI)  | <b>VOTERS FIRST INITIATIVE</b><br>(Proposition 11)   | <b>NÚÑEZ PLAN</b><br>(ACA1, AB3069)  | <b>CGS IDEAL PLAN</b>   |
|--|--|--|--|---|
| Explicitly prioritizes criteria                      | No   | Yes  | Yes  | Yes   |
| Guidance provided on defining redistricting criteria | No   | Yes  | Yes  | Yes   |
| Voting Rights Act compliance explicitly referenced   | No   | Yes  | Yes  | Yes   |
| Population equality standard                         | Congressional, Legislative, and BOE Districts:<br>Equal population with other districts of the same type, to reasonable degree | Congressional Districts excluded<br><br>Legislative and BOE districts:<br>Equal population with other districts for the same office required to extent practicable, in compliance with US Constitution | Congressional Districts excluded<br><br>Legislative and BOE districts:<br>Equal population with other districts for the same office required to extent practicable, in compliance with US Constitution | Congressional Districts:<br>Equal population required in compliance with the US constitution<br><br>Legislative and BOE Districts:<br>Equal population with other districts of the same type required to the extent practicable, in compliance with the US Constitution |
| Nesting required                                     | No   | Yes, to the extent practicable<br><br>Lowest priority  | No   | To be favored where doing so would create no significant detriment to other listed criteria   |
| Contiguity required                                  | Yes  | Yes  | Yes  | Yes, to extent practicable  |
| Geographically compact districts required            | No   | Yes, to the extent practicable<br><br>Guideline:<br>Nearby areas of population shall not be bypassed for more distant populations  | Yes, to a reasonable extent<br><br>Low priority  | Yes, where doing so would create no significant detriment to other listed criteria<br><br>Lowest Priority<br><br>Guideline:<br>Nearby areas of population shall not be bypassed for more distant populations  |

# CGS COMPARATIVE OVERVIEW OF CALIFORNIA REDISTRICTING REFORM PROPOSALS IN 2008

## E. Redistricting Criteria *(continued)*

|  | <b>CURRENT REDISTRICTING LAW</b><br>(Article XXI)  | <b>VOTERS FIRST INITIATIVE</b><br>(Proposition 11)   | <b>NÚÑEZ PLAN</b><br>(ACA1, AB3069)  | <b>CGS IDEAL PLAN</b>   |
|--|--|--|--|---|
| Requires conforming to geographic and political lines  | Yes<br>Geographic integrity of any city, county, city and county, or geographic region shall be respected to extent possible | Yes<br>Geographic integrity of any city, county, city and county, neighborhood, or community of interest shall be respected to the extent possible   | Yes<br>City boundaries, county boundaries and visible geographic boundaries shall be respected to extent practicable<br>Prioritized below communities of interest  | Yes<br>City and county boundaries features respected in balance with communities of interest<br>Visible geographic features should be respected if associated with relevant community of interest<br>Prioritized below or on par with communities of interest |
| Respect for communities of interest included among criteria  | No   | Yes, undefined<br>Excludes relationships with political parties, incumbents or political candidates  | Yes<br>Defined as groups of residents who share similar interests including, but not limited to social cultural, ethnic, geographic, or economic interests, or formal governmental or quasi-governmental relationships | Yes<br>Defined as a group of residents who share similar interests including, but not limited to, neighborhood, social, cultural, ethnic, geographic or economic interests, but not including political parties, incumbents or candidates                     |
| Requires undivided census blocks   | No   | Not included among criteria  | Not included among criteria  | Yes, but not necessary to include among criteria  |
| Competition  | No   | Not included in provisions of the measure  | Not included among criteria  | To be favored where doing so would create no significant detriment to other listed criteria   |
| Availability of partisan registration or voting history data and restrictions on incumbent and candidate residence information | Residence of incumbents may be considered<br>Districts may be drawn to favor incumbent or partisan interest                  | Voter information is not explicitly permitted or prohibited<br>Residence of incumbents or candidates shall not be considered in the creation of maps<br>Districts shall not be drawn for the purpose of favoring or discriminating against an incumbent, political candidate, or political party | No provision regarding partisan registration or voting history<br>Residence of incumbents or candidates may not be considered in creating on maps, except to comply with criteria                                      | Voter information may be used to ensure compliance with criteria only<br>Residence of incumbents or candidates may not be considered in creation of map<br>Districts shall not be drawn to favor incumbents or partisan interests                             |

**F. Transparency and Public Accountability Provisions**

|  | <b>CURRENT REDISTRICTING LAW</b><br>(Article XXI)                | <b>VOTERS FIRST INITIATIVE</b><br>(Proposition 11)   | <b>NÚÑEZ PLAN</b><br>(ACA1, AB3069)   | <b>CGS IDEAL PLAN</b>   |
|--|--|--|---|---|
| Will redistricting body be governed by Bagley-Keene Open Meeting Act?  | No   | Yes  | Yes   | Yes   |
| Are <i>ex parte</i> communications prohibited?                         | No   | Yes, except between commission members, staff, legal counsel and consultants   | Yes, except between commission members, staff and legal counsel   | Yes, except between commission members, staff and legal counsel   |
| Are transcripts, data and documents required to be publicly available? | No   | Yes, without restriction   | Yes, all records and data subject to California Public Records Act  | Yes, with minimal restriction<br>Communications between commissioners and staff should be made public after final plan is proposed  |
| Public hearings requirements   | None, but the legislature traditionally has held public hearings | Commission shall establish: <ul style="list-style-type: none"> <li>- Open noticed hearings promoted through outreach program</li> <li>- Procedures for submission of plans and written comments to the commission</li> <li>- Access to census data and mapping software available to the public</li> </ul> Hearing process includes at least 2 stages: <ul style="list-style-type: none"> <li>- Before the drawing of maps</li> <li>- Following the drawing and display of maps</li> </ul> | Commission shall establish: <ul style="list-style-type: none"> <li>- Open hearing process</li> <li>- Procedures for submission of plans and written comments to the commission</li> <li>- Access to redistricting data and mapping software available to the public</li> </ul> Hearing process includes at least 3 stages: <ul style="list-style-type: none"> <li>- After the release of census data</li> <li>- After drawing and display of preliminary maps</li> <li>- Following the drawing and display of final maps</li> </ul> | Commission shall establish: <ul style="list-style-type: none"> <li>- Schedule of open noticed hearings</li> <li>- Procedures for submission of plans and written comments to the commission</li> <li>- A plan to make census data and mapping software available to the public</li> </ul> Hearings must take place in several different geographic areas of state and at each stage of the process including: <ul style="list-style-type: none"> <li>- Before a draft plan is created</li> <li>- Following drawing of each proposed map</li> <li>- After a final plan is developed</li> <li>- Upon any significant changes to the final plan</li> </ul> |

CGS COMPARATIVE OVERVIEW OF CALIFORNIA REDISTRICTING REFORM PROPOSALS IN 2008

**F. Transparency and Public Accountability Provisions** *(continued)*

|  | <b>CURRENT REDISTRICTING LAW</b><br>(Article XXI) | <b>VOTERS FIRST INITIATIVE</b><br>(Proposition 11)  | <b>NÚÑEZ PLAN</b><br>(ACA1, AB3069)  | <b>CGS IDEAL PLAN</b>  |
|--|---|---|--|--|
| Minimum public comment and display periods | None  | Public comment shall be taken for at least 14 days from the date of public display  | Public comment shall be taken for at least 30 days from the date of public display | Public comment must be taken for at least 30 after display of initial plan or after significant changes to proposed plan<br>Final plan must be on display at least 14 days before approval |
| Involvement of public in presenting plans  | None  | Although public may comment on commission maps, submission of complete or partial plans by members of public is not explicitly stated | Any member of the public may submit a complete or partial plan                     | Any member of the public may submit a complete or partial plan   |

**G. Procedures for Implementation and Review**

|   | <b>CURRENT REDISTRICTING LAW</b><br>(Article XXI) | <b>VOTERS FIRST INITIATIVE</b><br>(Proposition 11) | <b>NÚÑEZ PLAN</b><br>(ACA1, AB3069) | <b>CGS IDEAL PLAN</b>  |
|---|---|--|-------------------------------------|------------------------|
| Gubernatorial veto                            | Yes   | No   | No                                  | No                     |
| Legislature votes                             | Yes   | No   | No                                  | No                     |
| Citizens vote on final plan                   | No  | No   | No                                  | No                     |
| Enactment timetable                           | After decennial census                            | After decennial census                             | After decennial census              | After decennial census |
| Explicitly prohibits mid-decade redistricting | No  | Yes  | Yes                                 | Yes                    |
| Appeal directly to the Supreme Court          | No, but bills may be challenged in court          | Yes  | Yes                                 | Yes                    |