

Comments on Implementation of the Voters FIRST Act

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It is a pleasure to offer comments about the processes to be established by the State Auditor to implement the Voters FIRST Act (Act). This is an opportunity for California to lead the nation in redistricting reform.

The Act is quite specific as to the basic processes to be followed for the selection of the Citizens Redistricting Commission (Commission) and the Applicant Review Panel (Panel), so these comments will be brief.

Application Process

Since political professionals are excluded, this will truly be a “citizen’s commission.” As such, the call for applications must be wide and deep, from Labor Day until applications start being accepted on January 1. Maximum use should be made of both traditional and new media, including outlets aimed at ethnic audiences to generate interest. Application forms, explaining both qualifications and the selection process, should be available on line, at State offices, and elsewhere. On line application could be encouraged, but all means of submittal should be accepted.

In addition to the location, gender, ethnic, racial, affiliation and conflict questions, a major portion of the application should be devoted to education, employment history, memberships, etc., to gain an experience profile of the applicant. A space for a statement of qualifications (250 words?) should be provided.

The most difficult part of the application to evaluate, but perhaps the most important, is the portion designed to determine the applicant’s relevant analytical skills, ability to be impartial, and appreciation for California’s diverse demographics and geography. It is essential that Commission members understand mapping concepts. Communities of interest are determined not only by maintaining the integrity of territorial subdivisions, contiguity and compactness, but also by natural and man made geographic factors. This is a multi-dimensional complex process that must be understood. A series of expert-designed questions will be needed.

Applicant Review Panel

In order to form the Applicant Review Panel, the State Auditor must obtain the political party registration of each auditor. If this is sensitive information in a non-partisan department like the Bureau of State Audits, it should be held in confidence and revealed only for the final selected Panel members.

Since the State Auditor is likely to know most if not all of the individuals in the auditor pool, why not have an individual in another state department assign an undisclosed number to each auditor and use a device like the lottery ball machine to do the random drawing?

Conflict of Interest

Clarification of Section 8252(a)(2)(A)(ii) is required. A volunteer in a campaign may incorrectly believe that they “served as an officer . . . of the campaign committee . . .” Does being a “precinct captain” disqualify someone? I think not, so the rule must be clearly defined.

Publicizing the Names in the Applicant Pool

Section 8252(c) is very interesting. Transparency supports publicizing the names in the applicant pool. What should the policy of the State Auditor and the Panel be regarding “campaigning” that will result from this publicity? Well qualified individuals with limited time and resources may be placed at a disadvantage, either to seek recommendations, or to defend themselves from negative allegations. The Panel will have no choice other than to receive and review comments, but will have to be very careful to avoid politicizing the process.

Selecting the 60 Most Qualified Applicants

Before the Panel makes its final selection of the 60 members to its recommended applicants list, it is essential that it have in-person interviews with each applicant. If for example, if there were 25 finalists in each political subpool to be interviewed, the Panel could select the best 20 to move forward. If the interviews were held in five logical cities with the 75 interviewees roughly equal in each location, the five days of time and expense needed are more than justified by the benefits derived from meeting each applicant.

It should be a requirement that the Panel is unanimous in its selection of the 60 members to its recommended applicants list.

Random Selection of Commission Members

I suggest that the blind number system suggested above for the Panel member selection be used again by the State Auditor to select the Commission members pursuant to Section 8252(f).

Filling Vacancies

If a vacancy on the Commission needs to be filled, and there are no more remaining applicants, there could be another step before repeating the Section 8252 process. If there had been a pool of applicants interviewed, the individuals interviewed but not selected for the groups of 20 could be the first in line to be replacement candidates.

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