

From: Warren [REDACTED]
Sent: Thursday, December 30, 2010 6:03 PM
To: Commission, Prop11
Subject: Recommendations for the Commission

[REDACTED]

To the Commissioners:

I was an unsuccessful candidate for selection to the Commission. I am a retired Superior Court Judge from San Luis Obispo County. My judicial career started in 1967 when I was 29 years old as a Justice Court Judge, and I finished my active duties as a sitting judge in September of 1991 when I retired and became the Special Master for the Buck Trust litigation in Marin County, California. I have had a continuing interest in the California redistricting process, and am familiar with the cases of Legislature v. Reinecke, (1973) 10 Cal.3d 396 and Wilson v. Eu, (1992) 1Cal.4th 707.

I agree that an early responsibility for the Commission, after organization, will be to define the parameters of "community of interest". I recommend that the Commission elect to define parameters, rather than trying to reach consensus on the full definition of "community of interest". My reason for this opinion is related to potential challenges to the ultimate product of the Commission. Unfortunately, in our society as it currently manifests itself, someone or somebody challenging the work of the Commission is at least likely, if not certain. I believe that a "community of interest" could contain many elements that could vary from district to district, without the necessity of each district meeting all requirements of a single definition. That would present less of a target for a challenge. It would also allow the Commission to consider many of the diverse elements of California's demography and geography in its selection of district boundaries.

After consensus is reached on how to treat the issue of "community of interest", I urge the Commission to address the issue presented by California Constitution, Article XXI, Section 2 (d) (6). The "nesting" requirement is (a) consistent with the districts designed by the Special Masters in 1972 and 1991; (b) is a mechanism by which the communities of interest in neighboring communities may be maintained; and (c) is an element of protection for the final product to establish that the requirement that political parties or incumbents not be considered in the designing process was honored.

You have been given a great honor in your selection, and each of you holds a position of trust and confidence for the voting public of California. I look forward to your honoring that trust by creating districts that are compact and don't split up political boundaries any more than is necessary. In the age of term limits, being able to select a Senator who likely may have had experience as an Assemblyperson within the district gives voters a knowledgeable option in the voting process.

If there is any way I could be of assistance to the Commission, please don't hesitate to ask.

Very truly yours,
Warren Conklin

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