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From: LAWSON_BRIAN [REDACTED]

Sent: Tuesday, January 18, 2011 10:24 PM

To: Commission, Prop11

Subject: public comment on process for filling vacancy and public comment on vacancy

Dear Voters First Act at the Secretary of State's Office:

Attached is a public comment which I hope staff will distribute to the commissioners.

I also hope staff will find this public comment useful.

Thank you,

-- Brian

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Prepared January 18, 2011 for the January 20, 2011 meeting

TO: California Redistricting Commission Members and Staff
FROM: Brian Lawson

RE: Commission Vacancy

1. Develop a standardized process for receiving and displaying public comment on the issue of filling the vacancy. In only 4 days 110 comments were received on the proposed slate of the final 6. One possibility might be to create a form on the webpage to assist the public in making comments specifically on the vacancy (with perhaps a drop down menu to allow comments to be posted in a portion of the webpage devoted to each of the seven applicants, plus a final option for “all other comments on the vacancy”).
2. Put the previously posted application materials for all 36 applicants who could at some point be chosen as a member or who are members back up on the website in the same location (per 8252.5 (b), these are the people who were eligible as of November 20).
 - (a) This would be helpful because it may be necessary in the future to replace commissioners in a timely manner and it would be helpful to quickly and easily know who is available. I would suggest even posting ex-Commissioner Kuo’s application for two reasons: 1) so people can be reminded of her background and 2) because at some point in the future the commission may be in need of a member from the Democratic pool to take an action.
 - (b) Another reason this might be useful would be to ascertain if certain individuals would like to irrevocably take themselves out of consideration and to make that information publically available. This might give a sense of how close the commission is to the really dreadful case of having to carry out the last sentence of 8252.5 (b). Just developing an interpretation of that sentence is daunting.
3. In the future it would probably be useful to have general language in every agenda along the lines of: “Pursuant to Government Code 8252.5 (b) consideration and selection to fill any vacancy which arises.” Without this the commission may be unable to conduct business in a timely manner when time is of the essence.
4. You should check with counsel on this, but I believe replacing a commissioner does not require approval “subpool by subpool”. Any nine or more commissioners voting in the affirmative can approve of this official action (8252.5 does not describe a special vote for this action, so the normal voting procedure in the second sentence of subsection (5) subdivision (c) of Section 2 of Article XXI applies). I would encourage you to be aware, every time before you vote, whether the minimum to approve the motion is “any nine” or “subpool by subpool”. As an example of how this matters, until commissioner Blanco is sworn in, any “subpool by subpool” vote will fail if just one member from the Democratic subpool opposes the motion. In other words, at this point, any Democratic commissioner could veto the hiring of counsel.