

From: **Durfee Jesse** [REDACTED]
Date: Mon, Feb 21, 2011 at 5:19 PM
Subject: Testimony regarding the hiring of a Technical Consultant
To: votersfirstact@crc.ca.gov

Submitted by Jess Durfee, [REDACTED]



Citizens Redistricting Commission
1130 K Street, Suite 101
Sacramento, CA 95814

February 21, 2011

Dear Members of the Citizens Redistricting Commission,

My name is Jess Durfee and I am the Chair of the California Democratic Party's Redistricting Subcommittee as well as the Chair of the San Diego County Democratic Party. At your last meeting there was some discussion about who you might hire as your technical consultant. Two names mentioned were Karin Mac Donald from the Statewide Database and Douglas Johnson from the Rose Institute.

The Commission may be tempted to try to "have their cake and eat it too" and hire both Mac Donald and Johnson. I am writing to express that Democrats would strongly oppose such an arrangement. The simple fact is that hiring a non-partisan and a Republican does not equal bipartisanship and is both unfair and inconsistent with the Voters First Act.

Mac Donald submitted a letter on February 14th responding to questions raised by members of the Los Angeles Republican Party (http://www.wedrawthelines.ca.gov/downloads/public-comments-201102/public_comment_20110214_macdonald.pdf). Regardless of what weight the Commission gives that letter, a decision by the Commission to consider someone who is a registered Decline to State and self-identifies as an Independent as the "Democratic" representative on its line-drawing staff is unjust on its face.

Such a motion is particularly concerning given that there is no dispute Johnson is a Republican. Not only is he a Republican, he is a Republican with strong ties to Republicans. In my opinion the fact he is a former employee of a member of the Republican Congressional delegation should disqualify him if the Commission wishes to live up to not only the letter but the spirit of the law. Regardless, if he were included as a technical consultant the Commission must include a registered Democrat with equally strong Democratic credentials.

Further Johnson's Republican ties extend beyond California. His business lists the Florida State Senate as a client (<http://www.ndcresearch.com/client1.html>). The 2001 Florida redistricting was one of the most partisan gerrymanders in the country. Indeed a federal court found, "The Republican-controlled legislature intended to maximize the number of

Republican congressional and legislative seats through the redistricting process, and used its majority power to control the types of bills and maps that would be considered in the House and Senate" (Martinez v. Bush, 234 F. Supp.2d 1275 (S.D. Fla. Dec.3, 2002). In a state where Democrats outnumber Republicans by more than 5% Republicans outnumber Democrats in the State Senate by more than two to one (28-11).

The problem was so severe that when citizens qualified two initiatives to reform the redistricting process the Florida Senate tried to put a sham proposition on the ballot to act as a poison pill. The courts and the voters saw through the act and passed the citizen initiatives despite more than \$2.5 million in opposition paid for by the Florida Republican Party.

The Commission needs to be extremely careful not to create an impression that its staff is dominated by Republicans. This is particularly true given its decision to hire Rob Wilcox as its communications director. Wilcox is a former legislative Republican staffer and candidate for State Assembly. A staff that included two former Republican Congressional/Legislative staffers would rightfully raise severe concerns for Democrats.

In conclusion, if you want to hire a Democrat and a Republican, fine. If you want to hire a nonpartisan, fine. But the notion that hiring a nonpartisan and a Republican is in any way balanced or consistent with the purpose of Proposition 11 is wrong.

Sincerely,

A handwritten signature in black ink, appearing to read "Jess Durfee". The signature is fluid and cursive, with the first name "Jess" and last name "Durfee" clearly distinguishable.

Jess Durfee
Chair, San Diego County Democratic Party
Chair, California Democratic Party Redistricting Sub-committee