

Talk by Carol M. Hehmeyer, Chair of the Subcommittee on Vote Integrity for the Contra Costa County Central Committee, Sacramento, Saturday, February 26, 2011

Citizens all over California are very concerned with vote integrity. That is why the measures passed which created the Commission on which you now sit. Our committee is doing outreach by speaking countywide on the dangers of gerrymandering, and the importance of this Commission.

Historically, California has been plagued with extreme, I would say obscene gerrymandering, every time there has been redistricting. I am speaking here to urge that this not happen with the Citizens' Redistricting Commission.

Gerrymandering is a system whereby voting districts are maneuvered, often into weird, long, salamander-like figures, to include enough voters of one party that the district will weigh in favor of that party.

The opposition party is then grouped in to similarly weird shapes which are almost 100% that opposition party, so that their votes do not count against the party being Gerrymandered into power except in a few districts.

It is a form of vote dilution.

It has been recognized that gerrymandering can be unconstitutional, even if the reported motive behind it is "for a good cause."

The California Constitution, Article 21, sets forth the requirements which you must meet in redistricting. Among those requirements are the provisions that districts shall be reasonably equal in size and contiguous, and that the geographical integrity of any city, county, or city and county, or of any geographical region, shall be respected to the extent possible without violating the other requirements of the section. Geographical compactness is specifically emphasized in Article 21 (d) (5).

The U.S. Supreme court to some extent has supported our state Constitution's disapproval of gerrymandering.

In 1993, in Shaw v Reno (509 US 630) the US. Supreme Court accepted an appeal challenging a new Georgia Congressional District (District 11). The district was an extreme political gerrymander.

This case triggered the **Shaw Doctrine**, a finding that racial gerrymandering could, in some circumstances, violate the Equal Protection Clause of the 14th Amendment. The Court decided that the existence of irregularly shaped districts could, by itself, indicate a violation of equal protection.

The Court offered a vague guideline as to what it meant by "irregular." It ruled that when a state concentrates a dispersed minority population in a single district, disregarding "**traditional districting principles such as compactness, contiguity, and respect for political subdivision, the state is drawing a racial gerrymander.**" (Clark, p. 39)

Gerrymanders have harmed California.

They have reduced voter faith in the integrity of our elections.

In the 1982 election, using Phil Burton's gerrymandering plan, all 22 Democrat congressional incumbents kept their seats, but only 15 of the 21 Republicans were re-elected. Republicans received more than 50% of the votes, but Democrats won 60% of the seats." (Clark, p. 47)

Nationwide, Democrats running for the House of Representatives in the 1984 congressional elections polled only a 10th of a percent more votes than Republicans, but they won a seventy-one vote margin in seats.

Partisan gerrymanders, combined with bipartisan gerrymandering in other states, produced House elections in 1986 and 1988, that according to one political scholar, were the least competitive since 1832. Fewer than 2% of incumbents lost. (Clark, p. 50)

John Burton's gerrymander in California gave the Democrats at least five more seats in Congress, and between 1983 and 1987, at least seventy votes on substantive issues of foreign and domestic policy were decided by five votes or less. (Clark p. 52)

Right now California is redistricting because of reapportionment. We have lost citizens in our state. Thus there must be a re-drawing of our Congressional districts.

This loss of voters reduces our representation in Congress, again. People and businesses are fleeing California because of the heavy taxation and regulation in this state. We constantly lose voters, and when we do, every 10 years, our Congressional districts must be re drawn.

In the past, these districts have been grossly gerrymandered. An example is the District in which Senator Sam Blakesly recently ran. I called for that candidate and I know that his district stretched from Stockton to Santa Barbara. An outrageous gerrymander.

Gerrymandering devalues our vote. People lose respect in the system when they realize that their votes are gerrymandered to insignificance.

In fact, this Commission should redraw the districts in California based upon an objective, computerized model for compactness.

Compact districts allow voters to be close to their representative's district office, providing people the best possible contact and communication. It also reduces the cost of political campaigns by keeping voters geographically close together. (Clark, p. 57)

Voters who live close together within the same geographical area, may be presumed to have similar lifestyles and interests, and this can give them a chance of electing a representative who understands and shares their point of view. (Clark, p. 58)

Compactness can be achieved using a simple, personal computer, and a program developed by George L. Clark and others. Maximal district compactness guarantees district contiguity and can be achieved by using only two criteria:

1. the population of every district must be within 1 percent of the average population of all districts in the state, and
2. The overall district map of the state must be as compact as possible.

Mathematically, Clark says there is only one such map for any given state. (Clark, p. 60)

At least one other state has recognized this principle of compactness. Colorado law provides that a “district map is maximally compact when the sum of the perimeters of the voting districts is as small as possible.” (Clark, p. 61)

My talk is based upon a book that I fear some of you may not have read: Stealing Our Votes: How Politicians Conspire to Control Elections and How to Stop Them, by George L. Clark, PhD (2004). (Referred to as “Clark.”)

Mr. Clark is far from the only expert who has studied the management of redistricting by using objective computer models. Bruce Cain, Heller Professor of Political Science and public policy, and director of the University of California Washington Center, based in Washington D.C., is also such an expert. Your Committee has ready access to him.

Hopefully our Citizens’ Redistricting Commission intends to act on constitutional principles of compactness to design maximally compact districts in California in an objective, non partisan fashion.

My group, the Vote Integrity Subcommittee of the Contra Costa County Republican Central Committee, is acting to educate voters to these problems and to encourage them to become active in urging fair redistricting by this commission.

I have personally been conducting the outreach you inquire about by speaking to groups all over the county. I plan to continue to do that.

The Election Integrity Project, a statewide effort in California that is backed by Houston’s True the Vote, is offering free voter education to any county that asks for it. Our county plans to take advantage of that offer as soon as possible.

My personal efforts at outreach include my active membership in the EIP, a Tea Party vote integrity group in my area, various taxpayer groups, and five separate Republican clubs in our county, including one senior club at Rossmoor.

Vote integrity and redistricting are the topics of discussion throughout our county and state, and to my knowledge no one wants to hear that your committee is even thinking of redistricting based upon requests from or talks with any elected officials who want to retain their power based upon redrawn district lines.

The effort must be neutral and objective. Geographic commonality and compactness with neutral, computer driven redistricting procedures, will produce districts in which voters have common issues, such as transportation, growth, and density, and will permit meaningful representation of those districts.

The people are awake, interested, and watching.