

VIA E-MAIL AND U.S. MAIL

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Bureau of State Audits

555 Capitol Mall, Suite 300

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Re: Proposed Redistricting Commission Regulations

Dear Mr. Claypool and Ms. Brumley:

We are writing you on behalf of our respective organizations representing a broad spectrum of environmental groups long active in California. We have reviewed the Bureau's proposed regulations and we are concerned that more needs to be done to insure that California's coastline and its coastal counties remain the strong community of interest that both the California Supreme Court and the California Legislature have established over the last forty years. We are also concerned that the Bureau's proposed regulations are too restrictive in two key areas that, if implemented as they now stand, will restrict the participation of many citizens with an environmental awareness. In the comments listed below, we offer our perspective and lay out suggested changes that if adopted, will go a long way toward creating a redistricting commission that is truly representative of all Californians.

§ 60805. Appreciation for California's Diverse Demographics and Geography

We are very concerned that in its present form, section 60805 does not properly identify California's extensive coastline and other key differences in topography as part of the State's "diverse geography" that commissioners need to appreciate and take into consideration in making redistricting decisions.

For more than 40 years, both the California Supreme Court and legislative line drawers have made it a priority to respect California's coastline as a community of interest when attempting redistricting. California voters have long placed a policy priority on protecting our state's 1072-mile coastline, and in 1972 they overwhelmingly passed Proposition 20 to create the California Coastal Commission, which has as its sole institutional responsibility the preservation of the coastal area. We feel that it is of the utmost importance to recognize California's "extensive coastline" as a critical part of our state's geography when it comes to evaluating how to draw districts both now and in the future.

The California coast is more than just one of California's most recognizable features; it is a characteristic that closely relates to voting preferences and therefore is an important feature to be considered in redistricting. While California is often referred to in terms of north and south, for purposes of voting preference the strongest geographic divide is often between the coast and inland.

Another critical fault line arises in the context of water policy, specifically how to balance the water needs of agricultural interests (which are currently specifically cited in the regulations) and the delta (which is not). Water and the issues surrounding its availability and use define not only economic communities of interest but environmental communities as well.

Thus, California's geography influences a host of policy issues, most notably environmental policy, all of which could be affected if commissioners do not have an appreciation for this component of California's diversity. Although your office's fourth supporting memorandum refers to California's "extensive coastline," (p. 11) subdivision (a) of section 60805 fails to include any mention of this or any other critical part of the state's topography. Therefore, we request that paragraph 2 of subdivision (a) be modified as follows:

(2) An understanding that the people of California reside in many different localities with distinct geographic characteristics that may relate to the voting preferences of the residents of those localities, including urban, rural, coastal, inland, industrial, agricultural, arid, and temperate.

§60800. A Clearer Definition of "Impartiality" That Will Not Exclude Otherwise Qualified Applicants

We appreciate the Bureau's desire to directly address the need to select commissioners who will be impartial. It is of vital importance for all commissioners to be able to give their best judgment in deciding how districts ought to be drawn. In its current form, however, the definition of the "ability to be impartial" in section 60800 is imprecise and could counteract the initiative's requirement that Commission members have an appreciation for the criteria employed to construct districts.

The problem is the definition of impartiality as "a capacity and willingness to set aside a host of things, including "support for or opposition to . . . social or political causes." We are concerned that members of the Applicant Review Panel would look at a candidate with a history of working with environmental groups, environmental justice groups, and other environmental activist groups as lacking the ability to be impartial and as a consequence, downgrade their applications. We are also concerned that, once chosen, members of the commission might interpret their responsibility to be impartial as prohibiting them from assessing the impact of their line drawing on communities of interest, such as those who live along California's coastline or in other areas where environmental considerations are key. For this reason, we recommend that the phrase "social and political causes" be dropped from the proposed regulation.

§§ 60804 and 60828. Definitions of "Appointment" to "State Office" That Will Not Exclude Engaged Citizens Who Are Highly Qualified to Serve as Commissioners.

Finally, we believe that the language of section 60804, defining "Appointed to Federal or State Office," and section 60828, defining "State Office," will automatically eliminate a large pool of highly qualified individuals who are exactly the sorts of civic-minded individuals who should be serving on the Citizens Redistricting Commission.

Under the Voters First Act, a person cannot serve on the Commission if he or she has been appointed to, elected to, or run for federal or "state office" in the last ten years. (§ 8252(a)(2)(A)(i).) The proposed regulations define "appointed to federal and state office" and "state office" in a manner that would disqualify any person who has been appointed by, or serves at the pleasure of, the Governor or Legislature to any state office, agency, department, division, bureau, board or commission. (§§ 60804, 60828.) This would disqualify thousands of individuals who were appointed to small, local commissions or advisory boards and received at most a small per diem for their service. Many of these commissions give policy input to decision makers on a host of issues affecting California's natural resources and environment. A few examples: the Boating and Waterways Commission, Coachella Valley Mountain Conservation Governing Board, and the Klamath River Basin Fisheries Task Force.

At a minimum, the regulations should make it clear that the following are not automatically disqualified:

- Volunteers, interns and non-profit or academic Fellows who have worked for the aforementioned offices.
- Members of committees, commissions or boards or advisory groups that have no regulatory authority.
- Individuals who are uncompensated, although they may receive reimbursement for expenses.

Thank you for your consideration.

Sincerely,



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California League of Conservation Voters

Bill Magavern
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Sierra Club California



Tina Andolina
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