

Daniel/Sharon,

I had a mildly disturbing thought last night.

What if ...

the number of qualified applicants for any sub-pool is insufficient to meet the requirements of the Voter's First Act (5, 5, 4) in forming the Commission?

We have, to date, been marching ahead with the assumption that there will be a flood of applications containing enough qualified applicants to satisfy the counts at each stage of the selection process. (40, 40, 40), (20, 20, 20) and most importantly the final stage when forming the actual commission (5, 5, 4).

For the sake of argument, let's assume one of the final sub-pools contains only 12 qualified applicants. Furthermore, let's assume that the four legislative leaders each exercise their right to remove two names from that sub-pool (total of 8 removed). This leaves only 4 names in the sub-pool. This is O.K. in one instance (neither largest party or next largest party registration) as all 4 remaining names will become commissioners and no random drawing is necessary, but leaves the appearance of the list having been improperly manipulated.

However, if this situation were to occur for either the largest party sub-pool or the next largest party sub-pool, the commission would be one member short in that respect.

The easiest solution to this dilemma would be to reopen the application process as might occur upon the removal of a commissioner. This would cause delay because the Voters First Act clearly envisions that 14 commissioners will be available to participate at all times while the maps are being drawn. However, a quorum would still be possible so other than having the appearance of failure to meet Act requirements, work could actually proceed. *The shorted sub-pool adherents would be within their rights to complain loudly should this happen.*

I'm not sure that anything need change within the proposed regulations. However, we do need to be aggressive and diligent in acquiring sufficient numbers of applications and therefore qualified applicants to avoid the situation I've described.

Thanks for listening,  
Jim Wright  
A Voter from San Jose