



September 14, 2009

VIA E-MAIL AND U.S. MAIL

Daniel Claypool - DanC@bsa.ca.gov
Sharon Brumley - SharonB@bsa.ca.gov
Bureau of State Audits
555 Capitol Mall, Suite 300
Sacramento, CA 95814

Re: Proposed Redistricting Commission Regulations

Dear Mr. Claypool and Ms. Brumley:

As a labor organization representing 800,000 employees in the County of Los Angeles, we seek to ensure that working men and women of Californians are represented on the Citizens Redistricting Commission and that they have an equal opportunity to participate in the redistricting process. We have reviewed the Bureau's proposed regulations and we are concerned that they will make it difficult for ordinary working Californians to qualify for the Commission. Rather, it appears that the application and selection process will favor professionals, academics and the highly-educated, but they represent only a small fraction of the State's population.

One of the main purposes of Proposition 11 was to put redistricting in the hands of a citizens commission that is open to all voters and reflects the diversity of the State, including its economic diversity. (Cal. Const., art. XXI, § 2(c)(1).) Put otherwise, the Commission should look like California. According to the latest U.S. Census Bureau's QuickFacts for California, 42.3% of Californians are White, 36.6% are Latino, 12.5% are Asian, and 6.7% are African-American. Almost 40% of all Californians speak a language other than English at home. Equally important, a large portion of California consists of the unemployed, underemployed or working poor who struggle everyday to make ends meet. Specifically, 12.4% of all Californians live below the poverty level, only 26.6% have a Bachelor's degree or higher, and the median household income is \$59,928. In addition, the State's unemployment rate is now 12%. All these statistics make the point that in order to have a Commission that reflects California's diversity, it should not only be racially and ethnically diverse but it should also be comprised of citizens from as wide a variety of income and education levels as possible.

The Bureau should therefore take all necessary steps to make sure ordinary working Californians are encouraged to apply for and are adequately represented on the Commission. We are concerned that several aspects of the proposed regulations are counter-productive to that goal. First, the regulation spelling out the type of "analytical skills" relevant to serving on the Commission disfavors ordinary working Californians and will dissuade them from applying. (§ 60826(b).) The regulations imply that all commissioners must be able to (1) read and understand "dense and technical written materials, including . . . complicated statistical information", (2) perform "basic mathematical skills", (3) operate "sophisticated software", (4) apply and appreciate "appropriate legal standards", and (5) compile information from "statistical reports" and "expert opinion." This will sound daunting to all but the most highly-educated among us. Thus, the regulations as drafted will dissuade many well-qualified

Maria Elena Durazo
Executive Secretary-Treasurer

Ricardo Icaza
President

2130 W. James M. Wood Blvd Los Angeles, CA 90006

Californians from applying and will skew the applicant pool toward professionals, academics and the most highly-educated.

The emphasis on quantitative skills also suggests that commissioners themselves will be responsible for all of the technical aspects of line-drawing, including running software and understanding and applying the algorithms and statistical models that underpin redistricting software. But in reality, commissioners will be overseeing the work of experts and need not have experience with statistics and sophisticated software. Moreover, line-drawing software, such as Maptitude, has become very user-friendly and one need not understand statistical and mathematical techniques to operate and understands the results from such software. Thus, the regulations should not emphasize these skills especially when they will chill participation by well-qualified working Californians.

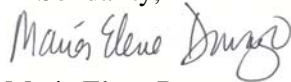
Second, the Bureau should ensure that all regulations related to diversity specifically reference “economic status.” The Bureau did that in section 60814 but in section 60805(a)(1) it used the term “level of income” presumably to identify “economic status.” Level of income is not a term commonly used when discussing diversity and is also less descriptive than “economic status.” To be consistent, the Bureau should therefore revise section 60805(a)(1) to include “economic status.”

Third, the regulations as drafted require applicants to provide their “criminal history” even though the term is undefined. We believe this requirement should be deleted because it implies that an applicant must report all police incidents, such as complaints, investigations, etc., even if no charges were brought and no convictions were obtained. Proposition 11 says nothing about an applicant being disqualified because of “criminal history.” As we stated at the outset, the Commission must be open to all voters, which means all residents 18 years or older except those who are “imprisoned or on parole for the conviction of a felony.” (Cal. Const., art. 2, § 4.) Applicants already must state whether they are voters who voted in previous elections. By definition that means they are not imprisoned or convicted felons. Thus, an applicant’s statement that he or she is qualified to vote is all that is required. Any question about criminal history should therefore be deleted both because it is not a proper grounds for disqualification under Proposition 11 and will chill participation.

Finally, the proposed regulations state that the Review Panel may investigate and verify all information provided by applicants. (§ 60842(g).) While that may be appropriate in some instances, we believe it is important for the Bureau to spell out when and under what circumstances an applicant will be investigated. It is absolutely critical that this investigatory power be applied only rarely and in a fair and consistent manner. Without a clearer statement about how such investigations will work, this regulation could seriously chill participation.

If these provisions are not changed, we fear that neither the Commission nor the redistricting process will be open equally to all Californians. Thank you for considering these comments.

In Solidarity,



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Executive Secretary Treasurer

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