



March 16, 2011

Commission Members
& Daniel Claypool, Executive Director
California Redistricting Commission
1130 K Street, Suite 201
Sacramento, CA 95814

Re: California Redistricting Commission

Dear Mr. Claypool and Members of the Redistricting Commission:

These comments are submitted on behalf of the California Republican Party (“the CRP”). The CRP represents over 5 million registered Republican voters in California. The CRP supported the passage of Propositions 11 and 20. The most important principle of these measures was to take redistricting out of the hands of the Legislature and vest the redistricting process for California Congressional, State legislative and Board of Equalization districts in the Commission.

Propositions 11 and 20 also established the constitutional mandate that the Commission conduct redistricting in a manner that is fair and impartial. The constitutional formulation of the manner in which that task is to be accomplished by the Commission, its staff and those whom it employs was: (1) a Commission that required bi-partisan support for selection of commissioners (2) who themselves must be individuals without recent history of participation or association with political parties or partisan political leadership and (3) impartial support in the Commission’s selection of expert staff and consultants and drawing of district lines.

The CRP has encouraged interested Republicans to monitor and participate in the Commission’s proceedings, including offering comments on the important factors set forth in Propositions 11 and 20: (1) ensuring compliance with the Proposition 11/20 legal standards and the Voting Rights Act, (2) ensuring compact and contiguous districts, (3) preserving the geographic integrity of cities, counties, and communities of interest as defined in the measure, and (4) securing the nesting of districts where possible.

We believe it is important for the Commission to take such measures as necessary not only to appear impartial but to act impartially. That must include making certain staff is appropriately seen as impartial and that your expert support has the confidence of all the players in the political process. This formula is best implemented in the manner urged on you by the Arizona Redistricting Commission chair who advised you that you should hire experts on a bi-partisan basis as the best means to ensure fairness and impartiality in the process.

Given this mandate for impartiality, we are dismayed by what we see as a process to hire as a sole line drawing demographic consultant Karin MacDonald of the Statewide Database and

Research Center at the University of California Berkeley and also an owner of Q2 Data & Research, LLC, an Oakland, California and Washington, DC based organization. Ms. MacDonald has never drawn district lines on a statewide basis and lacks the experience to perform such a significant task. Hiring her on a sole contractor basis is a prescription for trouble because the task is beyond her expertise and past experience.

Furthermore, this very weakness allows partisanship an opportunity to creep in the back door. It is indisputable that Ms. MacDonald is closely associated with persons who are not politically neutral, as was pointed out by highly respected Sacramento Bee political columnist Dan Walters. In his newspaper column he described Ms. MacDonald as “a consultant with indirect but unmistakable ties to Democrats.

“Republicans and others complained loudly about plans to hire Karin MacDonald of the University of California's ‘statewide database’ – a resource that began life as the Democratic Party's redistricting information bank – as the chief map-drawer.” (Sacramento Bee, March 2, 2011)

Ms. MacDonald is the protégé of Professor Bruce Cain, the former head of the statewide data base, who initially hired her. He helped build the statewide database at Caltech for California Legislative Democrats for the 1981 redistricting cycle. That database was later migrated to Berkeley and taken over by the state, where Professor Cain remained in charge. Professor Cain worked as a consultant for Legislative Democrats in the 1981 and 1991 redistricting efforts. He was also engaged by legislative Democrats to defend the 2001 redistricting in legal challenges and provided expert testimony in defense of the 2001 bipartisan gerrymander. Professor Cain is a principal of Q2 Data & Research, LLC, Ms. MacDonald's private firm. It is inconceivable that given Ms. MacDonald's lack of experience, Professor Cain, or someone unknown to the Commission but having a partisan perspective, would not have a role in demographic work for the Commission through that firm and his protégé, Ms. MacDonald.

Moreover, we understand that the Commission has pursued, outside of public view, the possibility of an arrangement with the University of California School of Law at Berkeley (Boalt Hall) to collaborate with Ms. MacDonald's private company and provide line drawing services on an interagency basis. This possible arrangement was detailed by Mr. Claypool at one of Commission's meetings last week. (Commission transcript, February 25, pages 376-377)

We would find this arrangement extremely improper. The University of California receives its funding via the legislature and you are to draw lines for legislators' districts. Further, law school Dean Christopher Edley is a noted Democratic political partisan, Dean Edley's official biographies disclose that he was an official in the Carter and Clinton administrations and campaigned for Michael Dukakis, Al Gore and President Barack Obama, serving as an advisor to his 2008 campaign. He has contributed more than \$23,000 to Democratic candidates in

California and elsewhere, according to the Federal Elections Commission. The probability of partisanship in an arrangement with the law school's personnel is beyond question.

Finally, it is not only partisan officials who are concerned about a one sided line drawing consultant. Groups with long history in redistricting reform such as California Common Cause and California Forward have written to you about the very real need for political balance in your staffing. Their bottom line, and mine, is that the Commission should not hire just one demographic consultant and should not exclude other individuals and entities with expertise in demographics and line drawing. It should seek bi-partisan expert assistance for both its demographic and legal staff as a means of assuring the bi-partisan balance that was intended by the People in enacting Propositions 11 and 20 and to protect the reputation and integrity of the Commission and its redistricting work product.

Thank you for the opportunity to provide this comment.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Ron Nehring", with a long, sweeping underline that extends to the right.

Ron Nehring, Chairman
California Republican Party