

Subject: FW: CRC Random Drawing of First Eight Commissioners Possible Flaw

Dear Auditor,

I was just reading over some documents on the We Draw the Lines web site and noticed something in your regulations which could potentially violate the Voters FIRST Act. In particular, your regulation Section 60853. Phase V: Random Drawing of First Eight Commissioners, could be flawed or it could just be an oversight.

Section 8252(f) of the Voters FIRST Act specifies three commissioners from each of the two largest political parties and two from neither of those two parties are to be randomly selected for the initial eight. The text of regulations Section 60852 specifies "During Phase V of the application process, the State Auditor shall randomly draw the names of eight applicants from those remaining after the legislative leaders have exercised their right to strike the names of up to 24 applicants from the pool of 60 of the most qualified applicants identified by the panel."

Clearly, the proposition defines three separate pools of twenty candidates each rather than a single pool of sixty candidates (or as few as thirty-six after names are stricken). However, the regulation could be misinterpreted. If eight commissioners are randomly chosen from the combined pool of candidates, then by not so unlikely chance, the initial set of eight could consist of six or more Republicans, six or more Democrats, or five or more "other" commissioners. This would throw off the mandated Voters FIRST Act balance which requires 5 Republicans, 5 Democrats and 4 "Others".

I understand the period for public comment is long past, but it might be worth updating this section of the regulations to clarify intent to draw from the three separate pools of twenty (or as few as twelve) rather than a combined pool of sixty (or as few as thirty-six). Since the supplemental application phase is past, and since this is also an election year, public scrutiny in the process will only intensify so it would be worth being proactive.

Thanks for your work on the process.

Jeffrey Kuta
Vallejo, CA