

Subject: Letters to 7 Commissioners, Opinion Pieces, Preliminary Analysis of Maps, Muckracking Articles

From: david salaverry <[REDACTED]>

Date: Thu, 28 Jul 2011 22:21:41 -0700

To: "Office, Communications" <[REDACTED]>

Dear Staff,

The attached is an electronic version of the letters and bound docs I handed out at the hearing on 7.28.2011. Please publish this in lieu of scanning the B/W copies so the commissioners and public can read them in color.

Regards,

David Salaverry

[REDACTED]

CCAG, California Conservative Action Group

www.fairthelines.org

Binder1.pdf

California Conservative Action Group

July 28, 2011

Dear Commissioner DiGulio,

There has been reporting and there may be more about the tears shed at the commission in the tense hours and days before the final map decisions. I would like to let you know that your "meltdown" was qualitatively different from that of the other commissioners.

You saw an injustice in an area where you had absolutely no personal stake. You saw the commission leaving the moral and ethical high ground to make bad decisions from partisan, racial and socio-economic perspectives. This troubled you deeply. And, in a moment of exhaustion, you became emotional. The commission was called into closed session, probably illegally, to calm you down and convince you one way or the other. The commission tabled the matter for two days.

On Sunday, three commissioners had "meltdowns." Commissioner Parvenu went first. After a long, tortuous defense of the Malibu to Palos Verdes gerrymander he ended on a note of weary resignation. Commissioner Aguirre jumped in, first with a speech about race in the academic language of diversity studies, then with a story of racism as a boy. Parvenu jumped back in with the story of the snarling dogs of racism, his earliest memory. And finally Commissioner Galambos-Malloy broke down.

Galambos-Malloy's "meltdown" topped yours. But hers were tears of anger, that she'd been accosted in the hallways and accused of being part of an African American Mafia. She believed her mixed heritage— black, Latino, raised by whites— should have rendered her immune from criticism. Her tears were about unjust perceptions of *Connie Galambos-Malloy*. Yours were about an injustice done to *others*. There is a gigantic difference.

You have now probably been pulled back into the fold of the commission. The peer pressure of this group is no doubt intense. But I ask you to reconsider, to think through your first reaction to what other Commissioners and many hundreds of thousands of LA citizens consider to be a blatant racial gerrymander. As you pointed out, the interest groups Commissioner Parvenu so well represents got the SDs, the ADs and most of the CDs they wanted. Isn't a little compromise in order?

Please consider voting no on the CDs so the courts can adjudicate the LA districts fairly.

Regards,



David Salaverry

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California Conservative Action Group

P. [REDACTED], Albany, CA 94706

July 28, 2011

Dear Commissioner Forbes,

At the beginning of the process during the hiring of the line drawer, you spoke of your concern about the Rose Institute, that there would be revelations about their funding that would embarrass the commission. The Commission hired Gibson Dunn, and there were revelations about their conflicts of interest that embarrassed the Commission... for a moment.

You voted for Q2 rather than the Rose Institute, and while there has been no impropriety I'm aware of, no partisanship that's come to my attention, I have made the case that they were inexperienced and didn't have the depth that Rose had. The tension between Q2 and Gibson has embarrassed the Commission... for a moment.

Despite these early votes against conservatives, you've proved a capable, engaged Commissioner, more willing to get involved in districts out of your home territory than some. You have had sensible and fair suggestions about areas you don't know well while remaining a strong advocate for your home turf.

You spoke passionately about the water issues in the farming communities of Northern California, and got last minute changes to assembly districts that will help elect representatives concerned about water and ag. Your assembly changes put you toe to toe for a moment with Commissioner Blanco, concerned about Vallejo.

Given your basic fairness and interest in ag, I'd like to ask two questions. First, are you happy with what ag got in the larger Central Valley? Will the districts help the agricultural *economy* that employs Latinos, Anglos, blacks, etc. or will these districts be dominated by ethnic machines more concerned with dispensing government money through social programs as the valley dries and withers? Second, what about LA? Are you happy with what many do see as racial gerrymanders there?

Please vote your *independent* conscience.

Regards,



David Salaverry

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California Conservative Action Group

P. O. Box 9404, Albany, CA 94706

July 28, 2011

Dear Commissioner Baraba,

At the Yuba/Marysville hearing you approached me and we began chatting in the half hour before business began. You told me you'd been part of the Reagan for Governor campaign, the numbers guy who targeted direct mail to zip codes, then state-of-the-art campaign technology in the days before computers. That led to a census appointment and finally to a private business. You've been a Republican longer than most.

You've probably seen many changes in the Republican Party over the years. And I would guess that many if not most of the changes were ones you haven't liked. The current Republican Party of California may strike you as far too conservative, strident and dysfunctional. If we ever had a long talk in private, I'd probably agree. On the other hand, it's the only party we've got.

The maps the Commission has produced will pass. But if the vote is unanimous on all the maps the perception will be that the Commission is a near perfect example of citizen democracy and that the maps are nearly perfectly fair.

You voted for the Los Angeles beach district last Sunday but felt the need to qualify your vote by saying to Commissioner Parvenu, "I'm voting on the socio-economics, not on the racial makeup of the districts." But I'd challenge you to consider if that's not a rationalization after the fact for CDs many consider a blatant racial gerrymander.

I'd also challenge you to think clearly about how these maps will be perceived after the pundits weigh in, after the courts make their adjustments and most importantly after the 2012 election. If the maps are instrumental in crippling the party of Lincoln and Reagan in California, the legacy you anticipate today on the eve of a yes vote may evaporate.

Please vote your conscience both as a Californian and as a Republican.

Regards,



David Salaverry

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California Conservative Action Group

P. O. Box **9404**, Albany, CA 94706

July 28, 2011

Dear Commissioner Ontai,

You've been a capable Commissioner, a calm, focused Chair and someone who has kept San Diego interests in mind and heart.

The maps the Commission has produced will pass. But if the vote is unanimous on all the maps the perception will be that the Commission is a near perfect example of citizen democracy and that the maps are nearly perfectly fair.

I'd like to challenge you to think clearly about how these maps will be perceived after the pundits weigh in, after the courts make their adjustments and most importantly after the 2012 election. If the maps are instrumental in crippling the party of Lincoln and Reagan in California, the legacy you anticipate on the eve of the yes vote may evaporate.

Please vote your conscience both as a Californian and as a Republican.

Regards,

A handwritten signature in black ink that reads "David Salaverry". The signature is written in a cursive style with a long horizontal stroke extending to the right.

David Salaverry

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P. O. Box 9404, Albany, CA 94706

July 28, 2011

Dear Commissioner Yao,

The long, exhausting run of this commission is almost over. Although some hope the Commission has legs and will continue to sit over the next decade, I'd be surprised if you continue. You came out of retirement to perform a service to the citizens of California. I once heard you joke about your wife Linda wishing you'd go back *into* retirement. I'd guess she wants to *see* more of you and *hear* less about the Commission.

You have performed dutifully. You've been a calm and reasonable presence. No one could accuse you of partisanship, of emotionality or irrational decisions. My perception is that Commission service was the capstone of a long career, only part of it in public life. Although you stated in your last Claremont City Council meeting you were on "cloud nine" when you won the lottery, I would guess you had to think long and hard about giving up that seat for the Commission.

You said in that last speech, "America continues to reaffirm that we are a nation of the melting pot and that diversity is our strength." I wholeheartedly agree! But I see the Commission's maps tipping over the Melting Pot and substituting the the Salad Bowl. The question is: Which is the better model?

The Salad Bowl metaphor is about distinctives remaining. Rather than the ethnicities, the preferences, the upwardly mobile socio-economics merging in a soup or stew, they remain bite-size components of a salad. In an age where salads are hip and stew is "old school" the metaphor sells. But the problem with the Salad Bowl is... Balkanization.

I'm old school. The Melting Pot metaphor has worked brilliantly in America. Your family came from China and *assimilated*. Mine came from Peru, Guatemala, Germany, England and *assimilated*. But with the Salad Bowl idea is we don't need to assimilate. We can speak a hundred languages, have a hundred cultures, maintain our distinctives and "all get along". But by the way, we demand ethnic representatives in racially drawn districts so that we retain the political power of our old world tribe.

If the maps the Commission has created overturn the Melting Pot and substitute the Salad Bowl, will your legacy as a Commissioner be as joyful as the sight of the ping pong ball was? I ask you to consider this carefully, and vote your conscience as an enlightened Republican and as a believer in diversity within the context of shared American values that have stood the test of time.

Regards,



David Salaverry

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P. O. Box 9404, Albany, CA 94706

July 28, 2011

Dear Commissioner Filkins-Weber,

Your service on the Commission has been stellar. As the chair of the legal subcommittee you've been fair minded and wholly non-partisan. On your rotations as the chair of the full Commission the process has moved forward with alacrity and evenhandedness. However, on the eve of the vote on the maps it's not clear if you'll vote up or down or if you'll split your vote approving some maps but not others.

Many Republican's and conservatives have spoken against the Commission and its maps. The Commission has been called partisan, mismanaged and even corrupt. On the other hand, there is a juggernaut of opinion and media supporting the commission and pushing back hard against its critics. Which side will prevail?

America is divided. There is a large, mainstream and mostly moderate- liberal mass media and a smaller, vocal conservative media. The two medias representing a divided electorate will have a very different take on the work of the CCRC. I hope all the Commissioners will read and listen to both sides before they decide how to vote tomorrow. I know you will.

As a lawyer, you'll quickly sift through the partisan red meat on both sides and get to the solid arguments. Did the conflicts of interest rise to the level where you must vote no on process alone? Does the ideology, partisanship and collusion make the LA maps indefensible in court, even with MoFo and Gibson as litigators? Will the maps be largely redrawn or will there be minor modifications with the CRC maps prevailing? To what extent will the mismanagement influence the courts?

Many have begun to suspect and now prove the Commission was corrupted early in the process. If critics prove the maps are illegal racial gerrymander and that the Commission process was chaotic and to some extent incompetent, then I hope you vote no. If three Republicans vote no at least on the CDs, the maps lose their hegemony and go to the courts with a "second, minority opinion" that cannot be ignored. Your narrative explaining your vote will be studied by law students for years.

You must make decisions based on your conscience both as a lawyer, as a citizen and as a Republican. I know you will make the decisions wisely and fairly.

Regards,



David Salaverry

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P. O. Box **9404**, Albany, CA 94706

July 28, 2011

Dear Commissioner Ward,

Your service on the commission has been difficult and I'm reasonably confident you'll be happy it is soon over. I hope you'll vote your conscience on the maps, not the peer pressure of the commission. If your many objections to the maps, the process and the personalities on the Commission are an indication, I remain hopeful that you will vote your ethics.

It is always difficult being the odd man out, especially in a public body where the peer pressure is intense and the stakes high. It is exceedingly difficult to have your ideas batted down over and over and your character assailed both frontally and by innuendo. There were times it looked like you might resign this Commission, and probably lots of people who would have been happy to see you go. Your perseverance has been amazing.

Now, the decision on the maps is in front of you. You lost most of the parochial battles about home turf but please don't vote on that. The larger issues are much more important. Please ask instead, "Was the process corrupted?" If it was, vote no at least on the CDs where many believe the worst gerrymanders took place. But if the process wasn't corrupt enough to vote down the maps, then ask, "Are the maps generally fair?" If they are, vote yes. If not, vote no.

Over the course of the next two weeks, the pundits, the analysts, the media but most importantly the California public will weigh in on the fairness question. Those of us who have been in the middle of this may be too close to weigh the issue of global fairness well, especially at this moment in time. But over the course of the next two weeks, the truth will out.

I hope all the Commissioners will consider tomorrow's vote carefully and over the two weeks till the final vote listen as California figures out the maps, the process and this Commission. I know you will.

Regards,



David Salaverry

CCAG, California Conservative Action Group

www.fairthelines.org

Publisher's Note: One would be hard pressed to find two constitutional and election law attorneys who are more well versed and well respected on the Republican side of the aisle than the co-authors of this important guest column. I commend you to take the time to full read this column, which is a bit longer than we normally feature in this space. But it is important -- Flash]

The Constitutional Role of Partisans in the Redistricting Process

By Professor John C. Eastman and Charles H. Bell, Jr.



Attorneys John Eastman and Chuck Bell

Summary: The Citizens Redistricting Commission process has gone seriously awry, hijacked by covert Democrat and leftist partisans who have violated open meeting, public records and conflict of interest laws, playing a “shell game” with draft district maps that likely will cement Democrat 2/3ds control of the State Legislature when finalized. Proposition 11 provided a remedy – Republican commissioners can defeat the final district maps if three Republican commissioners simply vote no. Then, redistricting can be conducted by the State Supreme Court which did an exemplary job in 1974 and 1991 in creating truly fair and impartially drawn districts.

A. The Balance of Power Genius of Proposition 11

Proposition 11 – the Voters First Act – vested authority to draw the lines for Congressional, state legislative and Board of Equalization districts in a new peoples’ commission, but it also sought to achieve a broad popular consensus of Democrats, Republicans and other commissioners for approving final district maps. To adopt maps, Proposition 11 requires supermajority approval consisting of majorities of each of these groups – Democrat, Republican and unaffiliated commissioners. Thus, any plan must attain the affirmative votes of three of the five Republican commissioners, even if it has the unanimous approval of Democrat and

unaffiliated commissioners. On the flip side, these standards also permit party-affiliated commissioners to block district maps that are overtly- or covertly-partisan or ideological.

The people built this supermajority requirement into the State Constitution's redistricting process based on the wisdom embodied in other constitutional supermajority requirements embedded in the California

Constitution (for example, the requirement of a 2/3ds vote of both Legislative houses to raise taxes and fees and a 55% supermajority vote of the people to adopt local bond measures). Proposition 11 thus built into its very structure an important balance of power. If a proposed redistricting plan is overtly-partisan or ideologically tainted, a majority of non-partisan commissioners can veto it. If a proposed redistricting plan is "covertly-partisan," likewise a majority of the Republican or Democrat commissioners can veto it if they believe it favors one major party or the other. Equally important, behind Proposition 11's built-in veto authority is the measure's "default" authority in the event the commissioners are unable or unwilling to approve final district maps. Proposition 11 provides that in the event of deadlock, the authority to draw district lines falls upon the State Supreme Court.

Overt or Covert
Partisanship

B. State Supreme Court Fallback If Commission Deadlocks

The authors of Proposition 11 understood that if the people's mechanism of a Redistricting Commission could not successfully complete its task, the best hope for fair districting in the future could safely depend on the State Supreme Court. The Court had performed that task well twice in the last four decades, in 1974 and 1991 when legislative impasses required the court to take up the redistricting job. In fact, the Supreme Court performed that task in 1974 and 1991 much more fairly than the Legislature had done in its last two efforts – the 1981 and 2001 redistricting which are commonly acknowledged to have been egregious, partisan (and in 2001 bi-partisan) gerrymanders. The results of these partisan gerrymanders was telling – virtually no gerrymandered district changed partisan hands in the two decades, a nearly 98% reelection rate for incumbents of both major political parties.

Supreme Court
option built in if
commission
deadlocks

So, if the Redistricting Commission deadlocks, that would not necessarily be a sign of failure. Rather, it would be an acknowledgement that the gravitational pull of partisanship and leftwing ideology in the Redistricting Commission process can be resisted by partisan Commissioners voting to deadlock the Commission's attempt to draw overtly- or covertly-partisan or ideological district plans, allowing the Supreme Court to perform its designated constitutional role.

Deadlock not a
sign of failure

By August 15, 2011, the Commission either must adopt district plans agreeable to supermajorities of Democrat, Republican and other commissioners or it goes out of business and the responsibility for redistricting defaults to the State Supreme Court.

However, deadlock doesn't just "happen," its useful role must be fully understood.

C. Commission Process Was Hijacked by the Left & the Commission Violated Open Meeting, Public Records and Conflict of Interest Laws

The Redistricting Commission process itself bears examination even before the Commission has completed its tasks as the August 15th deadline approaches. Despite Proposition 11's design to avoid overt and covert partisanship, the Commission's composition process was badly executed, the Commissioners blithely disregarded conflict of interest and public disclosure laws, and the Commission's preliminary decisions to release maps that violated the constitution and to cancel an important map release deadline, combined with draft maps that have tilted progressively toward favoring Democrats suggest that this process has been hijacked and is headed for failure.

The Commission's selection process favored educated elites, mostly with left-wing backgrounds. When the initial commissioner applicant pool was narrowed from over 30,000 to 60, this winnowing process performed by state bureaucrats favored applicants with advanced educational backgrounds and local government experience. The legislative strike process that reduced the applicant pool from 60 to 36 further refined the applicant pool to an even more concentrated group of the educational elite. The initial random selection process resulted in the selection of the first eight commissioners and that group's composition did not reflect the state's population.

The final selection process vested in the initial eight commissioners the choice of the last six commissioners. **That final process resulted in the inclusion of a hyper-partisan Democrat who was a MALDEF attorney in the 2001 redistricting litigation and the selection of a Santa Paula educator whom the media recently disclosed had failed to reveal his political contributions to Democrats and had also failed to disclose membership in an organization whose redistricting plans he is advocating.** The first eight commissioners also excluded from the Commission a retired law professor who served as special master expert for the highly-lauded 1974 and 1991 State Supreme Courts' redistricting plans.

These decisions best reveal the dirty little secret of the Redistricting Commission's covert leftist and activist Democrat majority. **The Commission's four "non-partisan" commissioners are with one exception to the left of center and probably to the left of the five Democrat commissioners.** The Commission hired as its experts Q2 Data & Research, a company of Berkeley line drawing expert Karin Macdonald, who has a leftist background and is a business partner and academic paper co-author with Democrat redistricting expert Professor Bruce Cain, and Ana Henderson, an adjunct law professor and former Justice Department attorney advisor with a decidedly leftist background. **The Commission rejected line drawing advisors and lawyers with impeccable redistricting expertise but past Republican connections.**

As late as June, the Commission hired as its "racially-polarized voting" consultant a liberal professor who had submitted an analysis of "racially-polarized voting" for one of the advocacy groups appearing before the Commission, an obvious conflict of interest under California common law. The Commission was about to hire a Washington, DC – based Democrat law professor who had co-authored four academic papers with Ms. Macdonald as "in line reviewer" of Macdonald's work until a public outcry ensued.

Analysts agree, a
2/3 Democrat
Legislature in
2012

D. Commission's Maps Are Unfair, Covertly-Partisan Gerrymanders

Were the objections to the Commission's activities limited to process only, there would be an insufficient basis to urge Republican commissioners to take what may seem a drastic step – to block the Commission's maps. However, the Commission's likely product, the maps, appear

to be unfair and partisan. **Even Democrat redistricting effort Paul Mitchell has concluded that the Commission's districting plans are likely to secure 2/3s Democrat majorities in the State Senate and State Assembly. Republican redistricting expert Dr. Tony Quinn agrees.** The analysis that accompanied the Commission's June 10th release of draft maps suggested that the commissioners had drawn districts likely to offer some competitive districts and no clear partisan tilt. This promise has faded as the commissioners have continued to tinker with the draft maps, with each draft veering more in favor of Democrats.

Although the citizens' commission reform was intended to reduce gerrymandering, the Redistricting Commission's current "visualizations" hardly banish this odorous practice. For example, the Commission's proposed LASGF State Senate district stretches from Claremont in the east San Gabriel Valley to Burbank in the San Fernando Valley, a district without a "community of interest." The proposed WMONT State Senate district stretches from agricultural Santa Maria some 200 miles to the outskirts of San Jose. Sacramento County is split into six State Senate districts that run from Sandy Valley (less than 30 miles from the outskirts of Las Vegas, Nevada) to Hilt on the Oregon border. One draft Board of Equalization district spans from Yreka on the Oregon border to El Centro on the Mexican border, a driving distance of more than 730 miles. You cannot travel between these two cities and stay within the proposed district by any highway or other mode of transportation!

Other examples of unexplainable splitting of cities and counties abound in the draft "visualizations" that may soon be final Commission district maps. In short, the Commission maps to be released next week are likely to be unfair, Democrat-favoring and gerrymandering.

Will Republican
Commissioners
use their power
to deadlock?

E. Will Republican Commissioners Recognize and Exercise Their Constitutional Duty

Of the five Republican commissioners, some appear to understand their role and the importance of using their constitutional supermajority power to block bad Commission decisions and ultimately, to block overtly or covertly partisan redistricting plans. Other Republican commissioners appear to be more influenced by other concerns and the understandable motivation to "complete" the Commission's assigned task to draw districting plans.

Will these commissioners accede to the leftist-oriented perspectives and preferences of the Commission's Democrat and unaffiliated majority?

Will they have the fortitude to say no to Redistricting Commission maps that are the product of a process hijacked by the left, tainted by violations of state opening meeting laws, public

records laws and conflicts of interest and by the undisclosed partisan and ideological affiliations of commissioners?

Will they say no to ratifying the “shell game” process by which first draft maps were made public that contained blatant violations of equal population and other constitutional requirements, the release of second draft maps was cancelled on short notice, and the final maps will be released without effective opportunity for public comment or change?

Will these three commissioners understand that “going along, just to get along” to the August 15 finish line and check the box, “mission accomplished,” even if that means adopting overtly- or covertly-partisan redistricting plans, would fail to live up to their constitutional responsibilities?

Only time will tell. Thus far, Republican commissioners seem not to fully appreciate the genius of the Proposition 11 design. If they fail to understand it and utilize their power, they could be responsible not only for abrogating their constitutional power and responsibility but also for thwarting the people’s goal in adopting Proposition 11 to ensure fair redistricting.

Getting along, and just getting the job done, simply to check the box “mission accomplished,” will not be true to the spirit and design of Proposition 11. Whether that result would lead to litigation or referendum of the Commission’s districting plans, it could mark the Proposition 11 experiment in 2011 as a spectacular failure.

Dr. John Eastman is the Henry Salvatori Professor of Law & Community Service and former Dean at Chapman University School of Law. Charles H. Bell, Jr. is the senior partner of Bell, McAndrews & Hiltachk, LLP, Sacramento, California and is a leading election law and litigation practitioner.



They Call It Gerrymandering for a Reason

Posted by [Ray Haynes](#) at 1:37 pm on Jul 25, 2011

It was supposed to be our salvation. In 1792, the first redistricting process in the United States, Eldridge Gerry figured out how to draw lines to favor his political party. One of his opponents said the districts looked like a salamander. Another said “that is not a salamander, it’s a Gerrymander. And a great political tradition in the United States was born.

The solution? A citizen commission, free from bias, drawing the lines, no politics, no partisanship. It didn’t work out that way here in California. **What went wrong?**

I supported the idea in the 1990’s, thinking it could work. Then I went through a redistricting process. Redistricting is the most political process there is. Jobs, careers, and power are at stake. I watched as Democrats in the Legislature erased and drew lines in their districts on their desks during session. They were intensely interested in the outcome. David Dreier and Ed Royce lived in Sacramento for a time while the lines were being drawn. Mike Briggs sold his vote on a tax increase for the Congressional seat that he thought would be his, and turned out to belong to Devin Nunez. Republicans in Congress cut a deal with Democrats in the Legislature for a status quo redistricting which was intended to shaft Republicans in the Legislature and Democrats in Congress. It did, a little bit, but in the end, not much changed. People whined about how political process was, and it was just politicians drawing lines for politicians.

But, in the scope of things, politicians are accountable to voters, commissioners are not. Politicians do politics full time, commissioners do not. After having gone through the process, I came to the conclusion that a commission would be the worst idea, and it would destroy Republicans. It would allow the politicians to draw partisan lines, without accountability. It would allow the staff of the commission, which would be appointed by either a Democrat Secretary of State or a Democrat Governor, to control the process. The commissioners would have no idea what was going on.

The other problem is that when **Democrats step in to these sorts of “nonpartisan” positions, they become intensely partisan**, and prove it by screwing Republicans.

From FlashReport, July 24, 2011
By Former State Senator Ray Haynes

Republicans who step these sorts of positions become intensely nonpartisan, and prove it by screwing Republicans. Compare Bill Jones to Kevin Shelley as Secretary of State. Bill Jones, when faced with true accusations of the voter fraud that was used to defeat Bob Dornan, and elect Loretta Sanchez, went out of his way to discount Dornan's claims of fraud, saying there was no proof. Three years later, the person who committed the fraud was convicted of felonies related to the fraudulent voter registration drive in Dornan's district. By that time, it was too late. Shelley, when given "Help America Vote Act" money by Republicans in Congress to make voting more fair, gave the money to Democrat political operatives to shaft Republicans in California. Shelley lost his job over his illegal behavior. In both cases, Republicans got the short end of the "nonpartisan" stick.

Just as they are with the Redistricting Commission. I said this would happen in 2006, when the idea was proposed. I was told I didn't know what I was talking about. This would be the only thing that would save Republicans in California. I contended then (and contend now) that the only thing that will save Republicans in California is hard work, but I was told by party leaders to sit down and shut up. I should have been more insistent, but I had no dog in that hunt. If that was what they wanted, I would not oppose them. I made a mistake, and now we are reaping the results of that foolishness. I knew better, having been through a redistricting. I saw how personal it was, how intensely interested the politicians were in the outcomes. They would be just as interested in a commission's work, only then they would be behind the scenes with the Commissioners as their puppets, and the Republicans on the Commission would never know what hit them. They would be so interested in "doing their job" that they would never see the train coming at Republican officeholders in the state, put on the track by Democrats behind the scenes.

And now it has happened, and we are now left on the sidelines to whine about the outcome of a process we created. The Democrats will, quite rightly, say this was what the Republicans wanted. Why are the Republican so upset, Democrats will say? Republicans on the Commission voted for this, so what is the problem? Republican party leaders will try to make excuses about why it went bad, but it was in the cards. The commission was a bad idea, and any one who had actually watched 240 years of American history could have foreseen it. Oh well, those guys are smarter than me, what can I say?

From FlashReport, July 24, 2011
By Former State Senator Ray Haynes

Dan Walters: Redistricting commission makes California's divisions official

Share

By Dan Walters

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Last Modified: Wednesday, Jul. 27, 2011 - 8:50 am

California's evolution into one of the planet's most economically, culturally and ethnically diverse societies sparks ceaseless political debate, touching everything from illegal immigration to the plight of public education.

We Californians have been less willing to discuss a particularly sensitive aspect of that diversity – the emergence of what can only be called segregation.

Although the state long ago abolished legal segregation, we nevertheless tend to collect ourselves into enclaves, sometimes due to economic necessity but more often reflecting personal preferences to live among others with similar cultural, economic, linguistic, ethnic, generational or even political traits.

The geographic dividing lines among what are euphemistically called "communities" can be very stark, especially in densely populated urban areas, reaching an extreme level in the block-by-block turf wars of [street gangs](#).

They pose a particularly vexing problem for political policymakers: To what extent should they reinforce segregation by giving these enclaves official status in the name of community empowerment?

Nowhere is that question more pertinent than in the decennial process of redrawing city council, school board, county board of supervisors, legislative and congressional districts from which members will be elected.

The state's new redistricting commission fully embraced the "community of interest" concept and during countless hours of line-drawing, which reached a semifinal stage over the weekend, bent over backward to accommodate demands from what its members called "COIs."

To some extent, they had no choice. The federal [Voting Rights Act](#), as interpreted by their legal adviser, required them to create a certain number of "majority minority" districts to

Republicans who step these sorts of positions become intensely nonpartisan, and prove it by screwing Republicans. Compare Bill Jones to Kevin Shelley as Secretary of State. Bill Jones, when faced with true accusations of the voter fraud that was used to defeat Bob Dornan, and elect Loretta Sanchez, went out of his way to discount Dornan's claims of fraud, saying there was no proof. Three years later, the person who committed the fraud was convicted of felonies related to the fraudulent voter registration drive in Dornan's district. By that time, it was too late. Shelley, when given "Help America Vote Act" money by Republicans in Congress to make voting more fair, gave the money to Democrat political operatives to shaft Republicans in California. Shelley lost his job over his illegal behavior. In both cases, Republicans got the short end of the "nonpartisan" stick.

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From FlashReport, July 24, 2011
By Former State Senator Ray Haynes

WILL FLAWED BALLOT MEASURES RESULT IN A FLAWED REDISTRICTING PROCESS?

David Salaverry

July 12, 2011

[Publisher's Note: As part of an ongoing effort to bring original, thoughtful commentary to you here at the FlashReport, I am pleased to present this column from David Salaverry - Flash]

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Everyone wants to love the CCRC. California's brand spanking new Citizen Redistricting Commission released first draft maps June 10 to fanfare, PR flack and glowing press. A few weeks later, the Commission has canceled its second draft, has "gone dark" in the words of one critic and seems on the verge of collapse. What just happened?



In fact, the Commission has been "dark" from the beginning. Reporting has been superficial, the column inches devoted to the CCRC's critical work rationed by editorial pinchfists. Yes, redistricting is maze-like and the Commission's work mind-bogglingly complex. But the decisions the CCRC makes will lead to earthquakes in 2012 and aftershocks for the next ten years.

With the cancelation of the second draft, there is an increasing likelihood the Commission will be a confused preamble to messy litigation. How much of the 11th hour chaos of canceled maps and disastrous timelines is a result of poorly drafted initiatives? How much is the result of the "alphabet groups" who dominate the Commission? How much the commission? How much the consultants?

Props 11 and 20 are initiatives straight out of the early 20th century Progressive Movement; Governor Hiram Johnson would have approved. **The propositions are reactive, puritanical and highly experimental.** Yes, the 2001 maps were corrupt; a state-wide gerrymander and gross incumbent protection plan. But reformist cures can be worse than the disease. What lead the drafters to believe a radically diverse state of 38 million could be redistricted by amateurs in a few short months?

Props 11 and 20 disdain parties and normal political processes. Unfortunately, banishing parties, politicians and their paid mapping consultants opened the door to the well funded "alphabet groups" of the institutional left. MALDEF, CAPAFR, AARC, CAUSE, NALEO, LULAC, APALC, NAACP, ACLU, etc. flowed into the vacuum created by the propositions, a unintended consequence that might have been anticipated by the smart people who wrote and funded the amendments.

If the "alphabet groups" dominate the final maps, Props 11 and 20 will go down in state history as political bait and switch on a colossal scale. No one elected the "alphabets"; voters barely realize they exist, much less what their agenda is. **Had Californians known these groups would draw self serving maps through Commissioners who were former employees, fundraisers, collaborating litigators or ideological water carriers, the narrow margins would have flipped and the votes been overwhelmingly against passage.**

The Commissioners, political amateurs (with important exceptions) have been rolled by the "alphabets." But the legislation did anticipate and fund consultants that could have brought the CCRC the knowledge and organization it lacked. Sadly, the Commission hired inexperienced consultants in mindless, partisan votes. The Commission mappers and the VRA attorneys have both been problematical.

The hue and cry about Q2's supposed leftward tilt is largely irrelevant. Absent solid evidence of bias, it is

political red meat but a legal dead end. But there is the issue of experience. Q2 has gained experience as the CCRC consultant and now probably sailed past The Rose Institute in its capacity to undertake gargantuan redistricting projects; Karin Macdonald (Q2) may win the next national bid over Doug Johnson (Rose) with ease. **But when the hiring decision was made, Rose had far more experience as the Arizona mappers than did tiny, academic Q2 with only San Francisco and San Diego redistricting on its resume. The Commission hired Q2 on the basis of partisanship.**

Likewise, Gibson, Dunn & Crutcher was chosen over Nielsen, Merksamer on a partisan vote following the assassination of Nielsen's professional character. **Gibson had no VRA experience, made negligent mistakes out of the gate on disclosure and is charging the commission roughly double what Nielsen bid. Gibson has made huge mistakes on VRA that have lead directly to the current timeline crisis.** But lead attorney Mr. Brown was a personal friend of Commissioner Blanco, and Mr. Brown got the job.

However, the story is more complicated. Hardball partisan politics over the hiring of the Voting Rights counsel and the line drawer has lead to cyclical (but not universal) animosity. But along with the cloaked partisanship there has been an ongoing attempt to operate by Marquis of Queensbury rules and to redistrict as wine-sipping bosom buddies. There is an incoherence to this Commission, a core identity crisis.

The Commission has voted unanimously at critical junctures and largely avoided sharp distinctions. There is little evidence of independent thinking and none of the kind of debate that identifies problems, sharpens focus and can then lead to intelligent compromise. **Rather this has been a "go with the flow" body; Commissioners have self-selected as the spokesperson for a particular ethnic group or home area and not bothered to challenge each other on the turf each has carved out.**

Far more troubling has been the lack of an intellectual structure, the total absence of a framework for the redistricting work. Tony Quinn weighed in recently on the early suggestion the Commission use the 1991 Special Masters lines as a starting point. To the best of my knowledge, the Commission never considered this excellent idea or any in a similar vein.

The Commission never asked, "How will we balance conflicting Community of Interests?" It never asked, "To what extent do we have a moral duty and a voter mandate to end gerrymanders?" It never considered, "What role should historical maps based on geography and economic flows have; should they trump COIs?" **It never asked, "If we smell a politician sending his henchmen to us in disguise, can we say NO?" In short, the Commission asked none of the foundational questions that could have created a framework for its work.**

And finally, the Commission still doesn't seem to realize that redistricting is the grinding of political sausage, a messy and often brutal task that requires horse-trading. As easy and as smugly satisfying as it is to vilify the pols who drew the 2001 gerrymanders, at least they got the rough political balance right; so many Republicans and so many Democrats based on registration even if the districts are ribbons of shame or rabbit ears or have stiff fingers pointing in every direction.

One can only imagine the arm-twisting and horse-trading that went on in the smoky rooms as professional combatants hammered out the 2001 compromise that lead to the pol in the Mafia suit crowing from the podium in the movie Gerrymandering. **No process leading to compromise is evident in at the CCRC and this could be the final straw that leads to collapse.**

Our "noble" citizens Commission opaque from the start though subject to Bagley-Keene and in the constant orbit of surveillance cams; our Commission bullied by the "alphabet groups" yet ignored by thoughtful reporters; our Commission with its shallow public unanimity and buried partisan infighting; our Commission lacking structure and intellectual depth and now in the howling wilderness of potential failure against a mercilessly ticking clock; our grand California experiment in participatory democracy may yet succeed.

There may be an 11th hour miracle, an outbreak of political sanity, an exit from the squirrel cage by canceling the second draft. But let's line up our COIs, our arguments and our attorneys if we have to go to court. Let's be ready for the Special Masters if the grand experiment fails.

David Salaverry is a licensed cabinetmaker & builder, residing in Berkeley. As a redistricting activist Salaverry founded CCAG, California Conservative Action Group at www.fairthelines.org to organize conservatives for fair redistricting. With Chris Bowman, Allen Payton, Becky Kolberg and many others, Salaverry has created regional Bay Area maps, testified 20 times and gone to over 15 statewide hearings "bird dogging" the Commission as a grassroots volunteer.

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Calif. redistricting could imperil GOP House seats

Democrats hoping to regain the majority in the House in 2012 might get a strong head start in California, where voters have handed the authority for drawing political boundaries to an independent citizens' commission.

By KEVIN FREKING

Associated Press

WASHINGTON —

Democrats hoping to regain the majority in the House in 2012 might get a strong head start in California, where voters have handed the authority for drawing political boundaries to an independent citizens' commission.

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Analysts studying the panel's work are predicting that three to five seats now in Republican hands will move into the Democratic camp in next year's general election. Such a swing could give Democrats an edge toward the magic number 24 - the number of GOP-held seats they'll need to win if they are to regain the House majority.

Republicans account for roughly 31 percent of California's voters and 36 percent of its congressional delegation - at 53 members, the nation's largest. Democrats comprise 44 percent of the state's voters and 62 percent of its congressional delegation. One vacancy in a Democratic-leaning district will be filled after a special election in July.

About 1 out of every 5 California voters declines to declare a party preference.

Matt Rexroad, a Republican redistricting consultant from Sacramento, Calif., said some of the 19 GOP lawmakers in the state's congressional delegation probably should have lost their seats a decade ago because of California's dwindling percentage of Republican voters. But after the 2000 Census, the Democratic-controlled Legislature drew new congressional boundaries that were intended to protect incumbents from both parties.

Now, the California Citizens Redistricting Commission is drawing those lines, and incumbency is not a factor.

California voters decided to create the commission in 2008, taking the authority away from the Legislature after heavy gerrymandering led to political stagnation and a lack of competition in state legislative and congressional races.

Such a commission is rare, with its 14 members selected in a lottery-style process overseen by the state auditor. Most states' political maps are drawn by the Legislature or commissions appointed by the parties or governors. Only seven states give first and final authority for congressional line drawing to a commission, according to the National Conference of State Legislatures. They are Arizona, California, Hawaii, Idaho, Montana, New Jersey and Washington.

But California's effort to minimize the politics in redistricting goes beyond what others have put

into practice and will be closely watched by legislatures across the country, said Tim Storey, a senior fellow with the conference.

The California redistricting commission is charged with grouping communities by geography, ethnicity and economic interests, and is not supposed to consider incumbency or party registration figures.

Significant changes could take place before the commission adopts the final maps Aug. 15. But for now, the political future looks most grim for Reps. David Dreier and Gary Miller, two longtime Republican lawmakers who represent districts in the San Gabriel Valley east of Los Angeles.

"They were in jeopardy 10 years ago, and the demographic shifts have made it even more difficult for them to get re-elected," Rexroad said.

Dreier's redrawn district would contain a majority of Latino voters and is heavily Democratic, while Miller resides in a district that also serves as the home turf for Democratic Rep. Judy Chu and is heavily Asian and Democratic. They will have two options if they want to return to Congress: Take on a Democratic foe on unfriendly turf or shop for a new congressional district. Members of Congress do not have to live in the districts they represent.

Dreier and Miller declined to comment for this story.

Rexroad and Democratic analyst Paul Mitchell said Southern California Republicans Brian Bilbray and Elton Gallegly also face difficult re-election prospects.

Under the current map, Bilbray lives in the same district as Republican Rep. Darrell Issa. He can run against Issa in the GOP primary or run in a more Democratic district to the south that includes many of the San Diego suburbs he represented during his first stint in Congress and as a county supervisor. He said he would pursue the latter option.

"It's a little easier for me because I'm going back to communities I represented for 16 years. In fact, I'm going back to the town I was born in," Bilbray said, referring to Coronado.

Under the commission's proposed maps, Gallegly was placed in the same district as Rep. Howard "Buck" McKeon. He can run against McKeon or try to win an adjacent district that is decidedly more Democratic and Latino.

Gallegly said he didn't understand the logic behind some of the commission's moves in determining which communities landed in which districts.

"As bad as the process has been in the past, at least the politicians that were drawing the lines had to stand up and be accountable for them. At this point, the commissioners don't," Gallegly said.

Gabino Aguirre, a Democratic member of the commission, said the redistricting of 2000 virtually guaranteed certain incumbents and parties control of the districts. Only one congressional seat changed parties over the following decade, he said.

"When you're guaranteeing re-election because of a gerrymander, I don't see how you can be held accountable for anything you do," Aguirre said.

Commissioners expect their final congressional and state legislative maps will result in legal challenges - and those are likely to be bipartisan.

"The accountability will come through the courts," Aguirre said.

Some activist groups already are questioning the commission's draft plan because they say it

dilutes representation for Latinos, the fastest-growing segment of California's population and electorate. Latinos typically have voted Democratic.

The new political boundaries also will force some Democratic incumbents into the same districts and will endanger others. That includes Rep. Loretta Sanchez, whose victory over a Republican incumbent in conservative Orange County 15 years ago helped signal the rise of Latino political power. Her office did not return phone calls seeking comment.

Democratic Rep. Lois Capps will also have a more competitive district, as evidenced by a small ad buy that the National Republican Congressional Committee has made in her district attacking her on the issue of Medicare. The cable TV ads cost less than \$10,000, but it's money the committee would have allocated elsewhere in previous election cycles.

But most of the anxiety since the commission released its draft plan has been on the Republican side.

GOP Rep. Dan Lungren also would have a district that becomes more Democratic. He said he believes the draft map issued by the commission would exaggerate the strength of Democrats in California.

Lungren's current district near Sacramento has been trending more bipartisan in recent years, leading to tighter re-election campaigns.

Rep. Devin Nunes said he wasn't buying predictions that Republicans in California stand to lose several seats in the 2012 elections.

"I like our chances to keep our seats," he said. "Is there a chance we could lose some? Yes ... I think two would be a disaster for us."

GOP Rep. Kevin McCarthy, the House majority whip, said it's premature to count any Republican lawmakers out. He said he looks forward to the competition redistricting is expected to bring.

"If you compete and you run the right message, it won't be locked in for any incumbent, which I think is always a positive," he said.

Shawn Steel, former chairman of the California Republican Party, said he was prepared to challenge the commission's maps by seeking a ballot referendum if it appears Republicans were treated unfairly during redistricting.

Under such a challenge, about 800,000 signatures from registered voters would be needed to qualify a proposition asking California voters to accept or reject the commission's proposal. Voters rejected a ballot attempt last year to abolish the commission.

Steel said he is starting to lay the groundwork for a referendum because people would have to act quickly if they disagree with the commission's work. He also wants to send a signal to the commission.

"If they decide to go renegade and get greedy, their lines are going to be challenged," he said.

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American and Mexican flags fly at a car dealership in Santa Ana, Calif. A new redistricting effort is meant to reflect the state's demographic changes of the past decade

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Redistricting. The word doesn't sound exciting. The dictionary doesn't spice it up too much either: "to divide anew into districts; specifically: to revise the legislative districts of." To the average person, this might be the "single least interesting word in the English language," says Dan Schnur, director of the Jesse M. Unruh Institute of Politics at the University of Southern California. "But if you're a politician, those lines are a matter of life and death."

And so it is in the U.S.'s most populous state, where efforts to redraw the political map may mean **Republicans will face more peril than their counterparts in the next elections. Some analysts predict the changes will cost them seats in the U.S. House, which would help Democratic efforts to win back control of the body next year. They say Democrats may increase their majority in Sacramento as well.**

(See "The Unorthodox Political Career of Jerry Brown.")

A 14-member citizens' committee in charge of the effort has an Aug. 1 deadline to submit its final version of how California's new districts will look in the 2012 election. The independent committee, known as the California Citizens Redistricting Commission, comprises a wide range of people including business owners, professors and even a chiropractor. It's a new venture for



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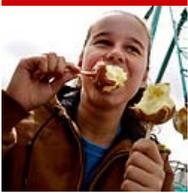
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the state, which took the task away from lawmakers after they used to draw lines that helped keep incumbents in power, gerrymandering bizarrely shaped district maps for political advantage. The committee's mission is to refashion district lines in a nonpartisan way that reflects the demographic changes the state has seen in the past decade, including an increase in Latino residents and a population shift inland from the coast.

Matt Rexroad, a Republican consultant in California who has run numerous campaigns, says a draft released last month by the commission suggests Republicans may lose as many as five seats in the U.S. House in 2012. Incumbents who had relatively safe districts may find themselves in areas with more Democrats and independents, especially because of the expansion of a Latino population that tends to oppose Republican candidates.

That may have an important impact on Washington, Rexroad says. "In California, because of the demographics of the state, it's highly likely that there will be fewer safe Republican seats in Congress. It's really a question of the magnitude of that number: whether it's one or two or five," says Rexroad, who is also a partner at political consulting firm Meridian Pacific. "A net swing of five is critical for the outcome of the speakership and tight votes on debt limits and all kinds of other things." This means that to have a chance, Republicans who find their seats threatened will need to run campaigns that target Latino, female and young voters more than they have in the past, Schnur says. (See "Los Angeles Braces for Carmageddon.")

Still, Democrats shouldn't claim victory just yet, says Bruce Cain, director of the University of California Washington Center. There's no guarantee that the committee's final plan will be the same as their draft, especially after special interests, including Latino groups, blasted it for not giving Hispanics enough influence. "We really don't know what the final lines are because the commission is bouncing all over the place trying to satisfy angry groups that objected to the first set of lines," Cain says. (The commission's preliminary lines were released in June.) Democrats may also fail to gain from California's redistricting if the economy worsens and unemployment remains high, especially since their incumbents will also have to cater to new residents who don't know them as well, he says. "A lot of people have a lot of newly configured territory," says Cain, who helped the legislature redraw district lines in 1981. "In that first election after redistricting, incumbents are most vulnerable because they're not as well known."

What seems most certain is there will probably be more nail-biting races next year than the yawns we witnessed when lawmakers gerrymandered the districts in the past. That should make for a more exciting election season with candidates targeting more swing voters. "This forces politicians of both parties to be much more responsive to the voters," Schnur says. "And that can't help but to be a good thing."

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California remap gives Democrats more districts

Joe Garofoli, Chronicle Staff Writer
Thursday, July 28, 2011

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California will have more political districts dominated by Democratic voters over the next decade, according the latest version of the state's redrawn political map set to be released today.

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But more of those Democrats will be facing competitive races.

After looking at the maps, some Latino organizations are concerned that the state's fastest-growing group isn't being accurately represented in some parts of Southern California and the San Joaquin Valley.

"This is not a map that was drawn to ensure that Latinos had every opportunity to elect candidates of their choice," said Arturo Vargas, executive director for the National Association of Latino Elected and Appointed Officials.

These and other concerns will be aired when the California Citizens Redistricting Commission reviews the final draft map today, followed by a vote Friday. The commission is scheduled to approve the state's new congressional and state district maps Aug. 15.

"If it's not unanimous, I'm pretty confident we'll be able to get the super-majority we need to pass it," commissioner Cynthia Dai said.

Everybody involved in the process, including the commission, expects lawsuits to be filed.

"Redistricting plans always get lawsuits, and I fully expect somebody to challenge some aspect of the map or the process," said Steven Ochoa, national redistricting coordinator for the Mexican American Legal Defense and Educational Fund.

Some analysts said the process has been the most transparent in history. The commission has heard more than 2,700 speakers at public hearings across the state and fielded approximately 20,000 written public comments.

"If they did have a partisan agenda, they hid it pretty well," said Eric McGhee, who analyzes redistricting for the nonpartisan Public Policy Institute of California. "I don't see evidence of that at all."

What McGhee did find were six additional congressional districts where registered Democrats outnumber Republicans. He also found 10 congressional districts that he described as competitive, compared with four now.

On the state Senate side, there will be four more competitive districts than there are now and two more in the Assembly, McGhee said

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While Latino and African American groups were cautiously optimistic about map changes in the past few days, they're still not entirely happy.

Latino leaders say they're not being accurately represented in the San Fernando Valley and in parts of Orange County.

On the plus side, Vargas said, there are now two more congressional districts and two additional Assembly districts where more than half of the population is Latinos of voting age.

Vargas added that the redistricting hearings seemed to him to be "a popularity contest before the commission. They gave the greatest weight to whatever group made the most noise in front of them."

Updates to the maps also show:

-- Gays and lesbians in San Francisco's Twin Peaks neighborhood will be included in the same Assembly districts as gays in the Castro district. Previously they had been in the more conservative western part of the city.

-- Fremont's fast-growing South Asian community remained split into two congressional districts, diluting its political power.

-- The city of American Canyon in southern Napa County will get its wish to be included with the rest of Napa County.

-- African Americans say they have a good shot at retaining three congressional districts in the Los Angeles area. They feared losing at least one.

E-mail Joe Garofoli at [redacted]

This article appeared on page C - 1 of the San Francisco Chronicle

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comengedit 8:41 PM on July 27, 2011

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bayareatrojan 8:45 PM on July 27, 2011

'the more conservative western part of the City'. That always gets me for a good laugh. I mean technically speaking I get what they are saying but are they really using the term conservative to describe any part of San Francisco?

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BillHarbaugh 8:57 PM on July 27, 2011

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California redistricting commission costing more than estimated

Published Thursday, Jul. 28, 2011

California's creation of an independent panel to draw legislative and congressional district boundaries is costing millions of dollars more than voters were told it would, records show.

Initial estimates were that the panel could draw legislative and Board of Equalization districts for the same \$3 million, adjusted for inflation, that the Legislature spent a decade ago to handle that task and to draw congressional lines, too.

"Looking back the \$3 million will not be nearly enough, if all true costs are included," said Dan Claypool, executive director of the 14-member redistricting commission.

The initial \$3 million was meant to fund operations for three years, but far more is expected to be spent in the panel's first 18 months.

Commissioner Michael Ward summed up the situation with two words: "Severely underfunded."

Steve Maviglio, former spokesman for Assembly Speaker Fabian Núñez, a Los Angeles Democrat who opposed the commission's creation, said taxpayers are paying through the nose for a needless commission while schools are starving.

"Californians were sold a bill of goods," Maviglio said. "It was billed as easy and cheap – and it's proving to be neither."

"I think it's a bargain for the state," countered Bob Stern, president of the Center for Governmental Studies in Los Angeles.

The bottom line is that at least \$3 million of state auditors' funds were spent soliciting applications, checking qualifications, interviewing candidates and handling administrative tasks required to launch the commission, officials said.

In addition, the panel itself has received appropriations totaling \$4.4 million, of which \$625,000 bought assistance from other agencies. The commission retains about \$782,000 that is expected to be spent before the June 30 end of this fiscal year – if not sooner.

To keep its doors open for three years, as envisioned upon its creation, the commission must ask the Legislature next year for more money, though how much is uncertain.

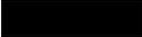
Cost comparisons are complicated somewhat by approval of Proposition 20 last year, which expanded the panel's duties to include drawing congressional lines but was not expected to raise costs significantly because the commission could use its existing staff and consultants.

Commissioners are not paid but receive \$300 per diem for each day they conduct state business. Several members said the panel itself has been frugal, soliciting meeting halls at no public expense and carpooling to hearings, for example.

Commissioner Cynthia Dai said the initial \$3 million allocation was based on a political process in which the Legislature drew lines without much public input: "They just went out and hired a couple consultants and gerrymandered the districts."

Cost comparisons do not include the cost of defending likely lawsuits over new districts created. Litigation can occur no matter what entity draws maps. The state has set aside \$1.5 million to defend district boundaries that will be considered Friday.

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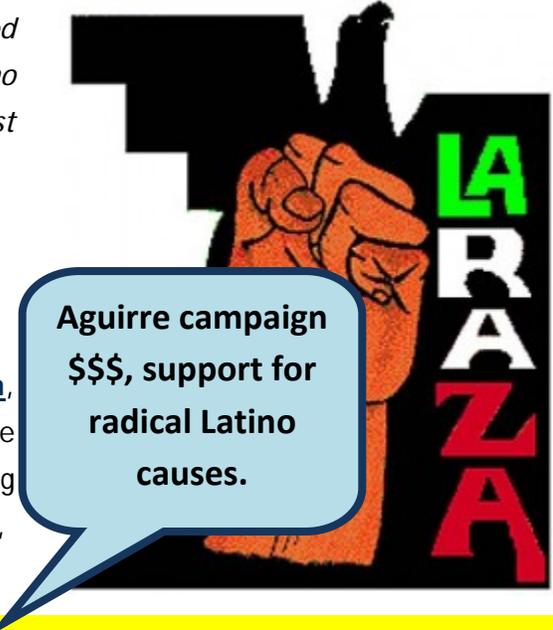
Gabino Aguirre's Secret Political Past

Independent "Citizen" Commissioner Concealed Partisan Political Activities, History of Latino Activism & Connections to Redistricting Interest Group

JULY 15, 2011

By JOHN HRABE

The [California Citizens Redistricting Commission](#), the 14-member independent panel of average citizens, was created to end partisan gerrymandering and draw political boundaries in an open process, without the influence of special interests.



Aguirre campaign \$\$\$, support for radical Latino causes.

An investigation by CalWatchDog.com reveals that at least one commissioner, [Dr. Gabino T. Aguirre](#), has made multiple political campaign contributions to Democratic candidates – contributions that were previously undisclosed to the Commission; a long history of political activism in support of Latino causes; and an extensive web of connections to a special interest group that has submitted its own redistricting proposals to the commission.

A spokesman for the commission said Aguirre would be unavailable for comment before this article was scheduled to publish.

This new evidence about Aguirre raises serious questions about the fairness and objectivity of the Citizens Redistricting Commission, which has been charged with restoring fairness and integrity to the redistricting process. With the commission's announcement this week that it will not release the second draft of its redistricting maps, the public deserves insight into what groups, causes and issues all commissioners are sympathetic to.

Moreover, the commissioner should be held to his own standard of openness. A former mayor and councilman from the City of Santa Paula, Aguirre has repeatedly vowed to uphold the commission's charter to an open and public process.

"We have an open and transparent process where everything we say and everything we do is in front of the public," Aguirre told the annual conference of League of United Latin American Citizens (LULAC), according to the [Ventura County Star on May 21, 2011](#).



However, documents obtained by CalWatchDog.com, raise questions about whether Aguirre was less than forthcoming about the full nature of his past partisan activities. Aguirre's application to serve on the commission fails to list any political contributions to Democratic candidates or involvement with Democratic campaigns. His only reference to partisan activities is a list of past membership in the Peace and Freedom Party, the La Raza Unida Party, the Green Party and the Democratic Party.

Contributions to Democratic Campaigns

The commission's legally mandated background report, prepared in compliance with Title 2, Section 60835 of the California Code of Regulations, begins to tell the different story about Aguirre's significant political activism.

In the September 19, 2010, "[Report on Information Collected Concerning Applicant](#)," Steven Benito Russo, chief of investigations for the California Bureau of State Audits, acknowledged that Aguirre's letters of recommendation came primarily from Democratic Party leaders, including Kathy Long, a Democratic supervisor for Ventura County, and Susan Broidy, a director of the California Democratic Party.

"Staff also discovered that Applicant had hosted fundraiser at his home in October 2008 for Ferial Masry, a Democratic candidate for Assembly, and in June 2010 endorsed Marie Panec, a Democratic candidate for Congress," the investigator wrote. When pressed by staff about his partisan political activities, the report explained that Aguirre told them, "It's not about the party — it's about the person's position."

An independent review of state campaign finance documents revealed what state auditors missed: three campaign donations to Democratic candidates for state office. In November 2008, Aguirre [contributed \\$100 to Ferial Masry](#), the Democratic nominee for the 37th State Assembly District. A year later, he doubled his political giving with a [\\$200 contribution to Gloria Romero](#), a former Democratic State Senator and candidate for state superintendent of public instruction.

It's understandable why the state's nonpartisan investigators missed Aguirre's final political contribution: it posted on the California Secretary of State's website *nine days after* the California Bureau of State Audits completed its background report. That final contribution was a \$100 to Das Williams, now the Democratic Assemblyman for the 35th district.

Williams, whose political career is directly impacted by the maps Aguirre must approve, previously interacted with his contributor dating back at least two years earlier, when Aguirre served as Santa Paula's representative on the Ventura Co **causes**.

Collusion with
Democratic
Pols?

ouncil of Governments.

Geographic Rivals: Williams vs. Nava

This new evidence of Aguirre's financial relationship with Williams provided new credibility to past allegations that the commission's first redistricting draft proposal was too favorable to Williams, an accusation made by some Democratic leaders. In April 2011, former State Assemblyman Pedro Nava, a longtime political rival of Williams, complained that the district lines that included Santa Barbara and Ventura Counties did not adequately represent local communities of interest.

Wasting no time, Williams impugned Nava's "political motives." [The Daily Sound reported](#) that Williams "said he has intentionally not waded into the (redistricting) discussion because the whole point of passing Proposition 11 was to get politicians out of the redistricting process."

Approved by voters in November 2008, [Proposition 11](#) promised "strict, non-partisan rules designed to ensure fair representation" and explicitly prohibited the redistricting commission from considering incumbents during the redistricting process.

"The place of residence of any incumbent or political candidate shall not be considered in the creation of a map. Districts shall not be drawn for the purpose of favoring or discriminating against an incumbent, political candidate, or political party," Article XXI of the California State Constitution now reads.

Just in case there was any ambiguity, voters overwhelmingly affirmed the same language two years later with the passage of [Proposition 20](#), the companion measure that added congressional districts to the commission's purview. Both propositions heralded, "Every aspect of this process will be open to scrutiny by the public and the press."

Technically, the commission has complied with this mandate; each commissioner's application is publicly available on its website, [WeDrawTheLines.ca.gov](#). But political watchdogs are beginning to question whether the commission is adequately following the spirit of its open disclosure mandate, especially when state auditors failed to discover three campaign contributions that are publicly available via the California Secretary of State's website.

"The original goal of the redistricting reform movement was to select members who did not have significant past partisan interests," said [Dan Schnur](#), former chairman of the Fair Political Practices Commission and director of the Jesse M. Unruh Institute of Politics at the

Failure of Republican legislatures re Commissioner vetting and vetos

University of Southern California. "Legislative leaders were commissioners for this very reason, which raises the question: Why did they have veto power?"

A senior staff member for a Republican legislator, who asked not to be identified for this story, offered a blunt explanation, "The truth is we're idiots." Another senior Republican legislative staffer described Republican legislative leaders' approach to the redistricting process as "an inexcusable reluctance to spend the resources to research the background of the commissioners."

Had Republican legislative leaders expended the resources to research Aguirre's background, partisan political contributions would have been the least of Republicans' concerns.

History of Latino Political Activism: MEChA and La Raza

In [a June 2011 profile](#) in his hometown paper, the Ventura County Star, Gabino Tlamatini Aguirre was described as the "manifestation of the California Dream." Born in Mexico to a farm-working family with 10 children, he immigrated to Texas as a child and "followed the crops from Texas, to Oregon, to California, to Arizona." After serving in the U.S. Army during the Vietnam War, Aguirre enrolled in college, where he was introduced to the Chicano-American political movement.

"He successfully transferred to U.C. Santa Barbara, where, motivated by the mobilization of his fellow Latinos during the Chicano Movement, he joined the La Raza Libre group and the Movimiento Estudiantil Chicano de Aztlán or MEChA," writes Gustavo Adolfo Cubias II, who interviewed Aguirre on April 7 for his senior thesis at Claremont McKenna College.

MEChA and La Raza have been favorite targets of the Republican Party. It has been called a "radical racist group." In [a piece for Human Events in April 2006](#), the late Rep. Charlie Norwood, a Republican from Georgia, called MEChA "one of the most anti-American groups in the country." Norwood's criticism of the Chicano student group was based on the disputed interpretation of the organization's motto, "*For La Raza todo. Fuera de La Raza nada*" — "For The Race everything. Outside The Race, nothing."

In her book, "[Enriqueta Vasquez and the Chicano Movement: Writings from El Grito del Norte](#) [the Shout from the North]," Chicana author Lorena Oropeza disputed this claim, and instead pointed to alternative evidence that suggested the motto was, "*La union Hace la fuerza*" — "Unity Creates Strength."

MEChA's motto may be disputed, but its fringe views are described in the ["Philosophy" section](#) of the organization's website. The Movimiento Estudiantil Chicano de Aztlánthe urges Chicanos to "reject assimilation," references "brown pride," and identifies "political involvement and education" as critical element for achieving their political objectives.

In 1969, Aguirre was likely to have encountered an organization even more radical than it is today. According to MEChA's organizational history, the group's defining principles are found in a document known as "El Plan de Aztlán." Of El Plan's six stipulations, [the first states](#) "We are Chicanas and Chicanos of Aztlán reclaiming the land of our birth (Chicana/Chicano Nation)."



Even within the Latino political community, La Raza and MEChA are viewed as controversial.

"It is my experience that some of the more extreme positions sometimes expressed by groups like MECHA and La Raza aren't necessarily representative of the majority of Latinos living in California," said Tim Rosales, vice-president of the Wayne Johnson Award. "It is a mistake and overly simplistic for anyone to treat the Chicano as a monolithic group. There's a diversity of opinions, experiences and beliefs."

La Raza Cosmica
speech in 2005

"La Raza Cosmica"

Based on a 2005 speech in Santiago, Chile, Aguirre hasn't changed his philosophy during the past four decades. On his "Supplemental Application for Citizens Redistricting Commission," Aguirre listed a "presentation on NWFZ local activities at OPANAL Conference in Santiago, Chile" as an activity which he believed was "relevant to serving as a commissioner."

The [Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean](#) (OPANAL) [describes itself on its website](#) as "an inter-governmental agency created by the Treaty of Tlatelolco," which seeks the end of nuclear weapons. Via OPANAL's website, CalWatchDog.com also obtained a copy of [Aguirre's 2005 remarks, delivered in Spanish](#).

“Culturally, our orientation is toward the South and we feel a connection with the force, as Octavio Paz has said, of the cosmic race,” the translation of Aguirre’s remarks reads. “Politically, our community is subjected to a type of internal colonialism that has pushed us to the margin of society just as other minority groups and poor people. At the margin of society, we are exploited like working hands in agricultural camps, in the factories, and also like soldiers to fight interventionist and imperialist wars.”

Aguirre’s reference to Octavio Paz and “*la raza cosmica*” puzzled Dr. Jaime E. Rodríguez, director of Latin American Studies at the University of California, Irvine and co-author of the book, “[The Forging of the Cosmic Race: A Reinterpretation of Colonial Mexico.](#)”

“Octavio Paz did not discuss the concept of ‘La raza cosmica.’ It was the philosopher José Vasconcelos who coined the term. He perceived a time when Latin America would create a new people with the blending of four races –Europeans, Indians, Africans, and Asians,” explained Dr. Rodriguez in an email to CalWatchDog.com.

“Over-Correct for MALDEF”

Aguirre’s deep roots in Chicano-American activism could shed light on his sympathies during the redistricting process and affect the number of seats drawn for African-American and Asian-American candidates. Aguirre [told the Santa Paula Times](#) on December 17, 2010 that he was “sensitive to the needs of farmworkers.” The California Bureau of State Audits background investigation into Aguirre also forewarned of potential bias in favor of the Latino community.

“At the top of the list was ‘Latino/Latina issues (health, education . . .)’ and the interests of no other racial or ethnic group appeared on the list,” wrote the state’s non-partisan chief of investigations.

The federal [Voting Rights Act](#), which protects minority groups from being systematically discriminated against or underrepresented in the political process, serves as the primary regulation overseeing ethnic representation in the redistricting process. [According to the U.S. Department of Justice](#), Section 2 of the Voting Rights Act “prohibits not only election-related practices and procedures that are intended to be racially discriminatory, but also those that are shown to have a racially discriminatory impact.”

After its release of the first redistricting draft proposal, the California Redistricting Commission faced universal criticism from Latino organizations for drawing boundaries that reduced the number of Latino [majority-minority](#) districts. Census data show that California’s

Latino population has risen to 37.6 percent of the state's total population, which would result in an automatic increase in the number of Latino seats.

MALDEF responded to the maps' gross under-representation of Latinos by releasing a [proposal](#). The MALDEF redistricting plan would have increased the number of Latino seats in the state Assembly and Senate and in the U.S. Congress from 10 to 15.

But some question MALDEF's lines as being unfair to other minority groups.

First draft too few Latino districts, second draft too many!

"MALDEF did not draw a single Asian- or African-American district that met the same interpretation of the Voting Rights Act they used for Latino districts," said Matt Rexroad, partner with Meridian Pacific, and a redistricting expert.

Rexroad warned that the effect of the commission's error on the first proposal could lead to an over-correction on the final draft.

"The commission has always tried to make the last person that was at the podium happy. MALDEF was the ethnic group with the most legitimate complaint. The commission will probably over-correct to make MALDEF happy," he said.

Zero-Sum Nature of Redistricting

The redistricting process is a zero-sum game, meaning the voters added to one district must be subtracted from a neighboring district. Thus, this protection of California Latinos could come at the expense of African-American and Asian-American voters. On July 12, [the Los Angeles Times reported](#) that a group called "California Friends of the African American Caucus" had attacked the commission for diluting "the number of black districts, particularly in the Greater Los Angeles area."

Critics of the commission claim that this week's announcement that the commission will not release the second draft of maps leaves the public in the dark about the process.

"The commission will issue no final draft maps," complained Tony Quinn, a former Republican staffer and expert on redistricting who first reported on some of Aguirre's political donations. "They will take a final vote on the maps around July 29. Then they apparently cannot change their maps prior to final approval and certification with the Secretary of State on August 15. So the public will have no opportunity for public input before final certification."

Relationship with Redistricting Special Interest Group

**Aguirre on Board of
Advisers for
C.A.U.S.E. as of July
14, 2011**

Aguirre's most questionable relationship that poses a potential conflict of interest for the redistricting process is his extensive connection to a special interest group, the [Central Coast Alliance United for A Sustained Economy](#) (CAUSE).

CAUSE has organized workshops for its supporters to learn about the redistricting process, encouraged volunteers to testify before the commission and even proposed its own redistricting maps for the Central Coast. At the commission's May hearing in Northridge, CAUSE was allotted 25 minutes to present its proposal to commissioners. CAUSE almost mobilized its activists to speak at the June 22 public hearing in Oxnard.

The mobilization effort appears to have paid off.

"The current 'final' maps for Ventura are very close to those proposed by CAUSE at the first public hearing in San Luis Obispo last winter," Quinn explained.

As recently as July 14, Aguirre was listed as a member of CAUSE's advisory board. However, CAUSE removed Aguirre's name from its website sometime before this story was published. But it cannot eliminate one connection: a 2007 contribution from Aguirre to CAUSE. The [Summer 2007 CAUSE newsletter](#) lists "Dr. Gabino Aguirre" as the organization's first Grassroots Supporter for having made a contribution of between \$1-\$499.

At the 2011 California LULAC State Convention, Commissioner Aguirre spoke on the same panel discussion as Maricela Morales, Co-Executive Director for the Central Coast Alliance United for a Sustainable Economy.

Aguirre's support for the political activists behind CAUSE even precedes the creation of the organization.

Marcos Vargas, the executive director for CAUSE, previously worked from 1986-1995 as the executive director of a Ventura County Latino community advocacy organization, [El Concilio del Condado de Ventura](#).

Among the qualifications listed by Aguirre on his application for the redistricting commission: "founding member of El Concilio del Condado de Ventura." As recently as December 2010, Aguirre's continued to be actively involved with el Concilio.

At the special meeting of the Ventura County Board of Supervisors held on December 7, 2010 at the Santa Paula City Hall, [Aguirre was honored](#) because he "still makes time to be

involved in community activities, such as being a founding board member of El Concilio del Condado de Ventura.”

[According to the Santa Paula Times](#), such high praise was offered by none other than Democratic Supervisor Kathy Long, the same elected official who wrote to the commission on April 16 in support of Aguirre’s redistricting application.

These questions about Aguirre’s background seemingly contradict his low-key style and under-the-radar approach.

“He has a very quiet presence,” Commissioner Jeanne Raya of San Gabriel told the Ventura County Star. “He’s really able to explain things, and he really understands what forms a community.”

Aguirre’s failure to fully disclose his long history of political activism may have been due to his quiet presence. But it certainly raises new questions about whether the California Citizens Redistricting Commission is actually composed of average citizens.

Did Gabino Aguirre Flout Code of Conduct?

JULY 21, 2011

By JOHN HRABE

New evidence obtained by CalWatchDog.com raises new questions about whether Dr. Gabino Aguirre, a member of California's Citizens Redistricting Commission, violated the commission's code of conduct and possibly state law by failing to disclose his association with a redistricting special interest group. The Central Coast Alliance United for a Sustainable Economy (CAUSE), a politically active community-based organization, has submitted its own redistricting proposals to the commission and mobilized its staff members and volunteers to testify before the commission.



The **Commission's Code of Conduct**, which is "considered binding on any person serving the California Citizens Redistricting Commission in any capacity," sets forth restrictions on the behavior of commissioners. Among the code of conduct's mandates, commissioners shall:

- * "Speak the truth with no intent to deceive or mislead by technicalities or omissions";
- * "Disclose actual or perceived conflicts of interest to the Commission";
- * "Disclose information that belongs in the public domain freely and completely"

That second requirement, the disclosure of a perceived conflict of interest, appears to be a much higher standard of disclosure than the state regulations, which CalWatchDog.com initially cited in **its first investigative report on July 15**. State law requires all redistricting commissioners to complete a **supplemental application**, in which applicants must: "Describe the professional, social, political, volunteer, and community activities in which you have engaged that you believe are relevant to serving as a commissioner, as discussed in **Regulation 60847**."

Rob Wilcox, a spokesman for the commission, failed to respond to two emails and requesting clarification about the policy.

CAUSE's Maps

At a May 26th meeting in Northridge, Maricela Morales, CAUSE's co-executive director, made a 25-minute presentation to the redistricting commission in which she presented the organization's proposed maps for Santa Barbara, San Luis Obispo and Ventura Counties. Yet, at no point during the presentation did she or Commissioner Aguirre disclose any prior relationship.



Aguirre: Failure to disclose relationship to CAUSE

Just five days prior to CAUSE's presentation to the commission, Morales and Aguirre testified on the same panel at the 2011 California State Conference of the League of United Latin American Citizens (LULAC). Aguirre appears to have been aware of the commission's high standard of disclosure. **According to the Ventura County Star**, he promised conference attendees, "We have an open and transparent process where everything we say and everything we do is in front of the public."

Last week, CalWatchDog.com first reported on Aguirre's long history of involvement with the special interest group, a fact that was never fully disclosed on Aguirre's application to serve on the commission. The **Spring 2008 edition of CAUSE's newsletter** lists Aguirre as a member of its "Advisory Committee," a position he retained until July 14, when CAUSE removed Aguirre's name from its website.

Aguirre, who has repeatedly ignored CalWatchDog.com's phone calls and emails requesting comment, is also listed in the **Summer 2007 edition of CAUSE's newsletter** as the organization's first Grassroots Supporter for a contribution of between \$1-\$499.

CAUSE Involvement

CAUSE is directly involved in the political process and organized "Get Out the Vote" efforts for the 2010 primary and November 2010 general elections.

"In the weeks leading up to both the June 2010 primary and November 2010 gubernatorial election, CAUSE had conversations with over 40,000 new and infrequent voters in Santa Barbara and Ventura Counties," the group **explained on its Web site**.

Aguirre's relationship with CAUSE could impact the redistricting process by offering favorable treatment to incumbent Democratic Assemblyman Das Williams. **According to his campaign website, Williams previously served as the organization's legislative analyst and led "the group's efforts to stop a proposed Wal-Mart development in Ventura."** In the same **Spring 2008 newsletter** that listed Dr. Gabino Aguirre as a member of the CAUSE Advisory Committee, Williams made a plea for CAUSE volunteers to "gather signatures to qualify" and assist with the campaign to ban the big-box retailer.

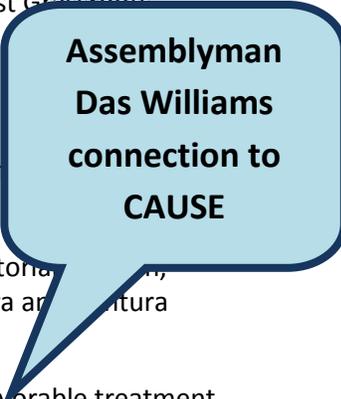
CAUSE, which bills itself as a community-based organization, boasts of its strong ties with organized labor and progressive causes. In the **December 2006 newsletter**, the headline for a front page story reads "CAUSE Strengthens Ties with SEIU." That's the **Service Employees International Union**, one of the most radical of state unions. It recently **funded a massive campaign** calling for tax increases.

Under the website section titled, "Campaigns," CAUSE described its preparation for a the June 2011 special election on the tax increases: "CAUSE and our many community and labor partners are now focusing mobilizing volunteers to participate in phone banking and precinct walking around the critical upcoming June 2011 special election." However, the June 2011 special election never was held as Republicans held fast in the Legislature to their opposition to tax increases.

Even Democratic politicians, including Gov. Jerry Brown, have been attacked for failing to meet the group's extreme left-wing views. CAUSE's Web site **admonished volunteers** of the repercussions from failing to mobilize voters:

The result: this year, the Governor of the state of California is trying to cut millions of dollars out of the Ventura and Santa Barbara school systems, eliminate the CalWORKS program for unemployed job seekers, and eliminate in-home services for the elderly. These cuts disproportionately impact poor and working people, and California's small businesses. The Governor has NOT proposed asking California's wealthiest citizens and largest corporations to delay their own tax breaks, or to pay their fair share to support essential services.

Redistricting Involvement



**Assemblyman
Das Williams
connection to
CAUSE**

CAUSE has been one of the state's most active organizations involved in the redistricting process. On February 2, 2010, **CAUSE hosted a seminar** to educate its members on how to apply for and be selected for the redistricting commission. The group also mobilized volunteers to speak at commission hearings throughout the state.

Its activism appears to have paid off. Tony Quinn, a former Republican staffer and expert on redistricting, believes the current maps for the Central Coast are "very close to those proposed by CAUSE at the first public hearing in San Luis Obispo last winter."



**The payoff of
activism: CCRC
maps aligned
with CAUSE maps**

Jeanne Raya Failed to Reveal Donations

JULY 25, 2011

By JOHN HRABE

A second member of the [California Citizens Redistricting Commission](#), Jeanne Raya, failed to disclose financial contributions made within the past 18 months to a state political campaign committee, according to documents reviewed by CalWatchDog.com. Ten days ago, CalWatchdog.com [first reported](#) Commissioner Gabino Aguirre's failure to disclose three campaign contributions, one of which was made nine days after the State Auditor completed its background investigation.



The Jeanne Raya revelation raises new questions about the California State Auditor's background investigation of redistricting applicants, which a high-level commission official described as being "invisible" and a memo from the auditor's office admitted was "brief" and "routine."

Raya is listed as the "Agency Principal" on the [website for John L. Raya Insurance Agency, Inc.](#) and reported ownership of the company on her [2010 Form 700: Statement of Economic Interests](#). But she failed to disclose to the commission four donations of \$250 made by the company since March 2010.

The state's former campaign finance watchdog believes that the contributions should have been reported, even though they were made through a business account.

"The applicant should have listed the contribution: a contribution from a business in which you are the principal is a legitimate indicator of political involvement," explained [Dan Schnur](#), former chairman of the Fair Political Practices Commission, the state agency responsible for administering conflict-of-interest documents. "Someone who contributes to a PAC involves themselves politically just as much as if they had given to a cause."

Schnur, director of the [Jesse M. Unruh Institute of Politics](#) at the University of Southern California, believes that the commissioner's failure to disclose business contributions could have been a "legitimate misunderstanding" by the applicant. He put the onus on the state's independent review process to fully bring to light any potential conflicts.

"It's up to the State Auditor's Office to determine whether it meets up to the letter of the law," Schnur said. "In fairness to the state auditors, they are very capable people who don't have a background in campaign finance."

The California State Auditor's office refused CalWatchdog.com's repeated attempts to clarify whether the Auditor's office intended for applicants to disclose contributions made through business accounts, or whether state auditors checked for political contributions made by applicants' businesses.

"The staff checked for contributions made by those 120 applicants and family members," Margarita Fernández, chief of public affairs for the California State Auditor's Office, wrote in an email response to CalWatchdog.com. "If something came to their attention they could make additional inquiries."

Taint of Partisanship

John J. Pitney, Jr., the Roy P. Crocker Professor of American Politics at Claremont McKenna College, believes that the state auditor had an obligation to "go as far as legally possible" to uncover conflicts of interest.

"The whole idea of the commission was to remove any taint of partisanship or self-dealing," he said. "The auditor should have gone as far as legally possible in uncovering any potential conflicts of interest."

A high-level commission official with intimate knowledge of the State Auditor's review process described the process as "invisible." The source, who asked not to be identified for fear of retribution by the commission, added that they were "unaware of any check performed beyond reviewing application materials."

A memo from the State Auditor's office that was provided to CalWatchDog.com by an agency spokeswoman confirms the anonymous source's account of the process. The memo refers to the background searches as "routine" and described its own reports as "obviously rather brief."

The review process by the State Auditor consisted of four key components, all of which relied heavily on information that was self-disclosed by applicants. State auditors started by "performing a routine search for information about every applicant from an established list of public and private sources." The memo's appendix lists a "Google search" as the first component of this "routine information search."

Other steps of the review process included "contacting at least one of the persons who wrote a letter of recommendation concerning each applicant" and "contacting each applicant to try to confirm the accuracy of the information."

The commission's [supplemental application](#) required applicants to: "List all of the monetary and non-monetary contributions of \$250 or more that you have made in any single calendar year during the past 2 years to any professional, social, political, volunteer, and community organizations and causes."

The State Auditor's Office established the \$250 threshold through regulations, a standard that is lower than state campaign finance laws that require campaign committees to report contributions of \$100 or more.

Contributions Are Support

[Bradley Smith](#), a former chairman of the Federal Election Commission, says that the significance of a \$100 political contribution can vary based on individual circumstances, financial status or social obligations.

"But clearly it's a contribution that indicates support," explained Smith, a Clinton appointee to the federal campaign agency who now teaches at Capital University Law School. "Only about 2 percent of Americans make political contributions – by definition, contributors of any amount are usually among the most politically active citizens."

According to the California Secretary of State's website, John L. Raya Insurance Agency Inc. has made four \$250 contributions to the Insurance Brokers and Agents Candidate PAC since March 2010. Two contributions were made in [March 2010](#), followed by two contributions in [March 2011](#).

Under Schedule 2-A of her conflict-of-interest documents, Raya described herself as the company's "Corp Secretary" with an ownership interest valued between \$10,001-\$100,000. State law requires officials to disclose any ownership interests of 10 percent or greater.

The failure to disclose political contributions also appears to violate the [Commission's Code of Conduct](#), which requires commissioners to "disclose actual or perceived conflicts of interest to the Commission."