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THE SPECIAL ELECTION

Several States May Revisit Redistricting

California voters are not the only ones who will decide whether to take the redrawing of political lines out of the hands of officeholders.

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SACRAMENTO — When California voters go to the polls Nov. 8 to decide whether to strip lawmakers of the authority to draw their own districts, so will voters in Ohio. Millions more are likely to follow in Massachusetts and Florida.

In these and more than a dozen other states, activists are busy concocting different solutions to the same problem. They are trying to find a less political way to draw districts for Congress and legislatures so voters have a better crack at actually deciding elections.

What's at stake, some say, is democracy's cornerstone.

"To some extent, the power to draw lines is more important than the power of voting," said Nathaniel Persily, a redistricting expert who is a professor of law and political science at the University of Pennsylvania. "The redistricting process is often more determinative of who wins elections than the voting in elections itself."

From California, where Proposition 77 would put redistricting in the hands of three retired judges, to Florida, where a circulating initiative would create a 15-member bipartisan redistricting commission, the usually arcane, once-a-decade process of redrawing districts to even out shifts in population is a hot political topic.

Besides ballot measures pending or in the works in California, Ohio, Florida and Massachusetts, bills to create independent or bipartisan redistricting commissions have been introduced in at least 12 state legislatures this year. In Congress, a Tennessee Republican introduced a bill to mandate independent commissions nationwide.

The solutions that government watchdogs propose vary, but their lamentations sound alike across the country. They complain of government increasingly beyond the influence of voters, of a shortage of people willing to run for office and of ideological polarization among those who are elected.

"It's frustration with a lack of competition, a lack of accountability," said Mary Boyle, press secretary

for Common Cause, the national nonpartisan, nonprofit group leading the charge in several states.

In all the states considering ballot measures, legislators now draw at least congressional boundaries. And they naturally skew the lines to favor the party in power. Weird-shaped districts dip, twist and jab to capture enough Democratic or Republican voters to ensure the reelection of the incumbent politicians.

"We have congressional districts that span five or six counties," said Keary McCarthy, a spokesman for Reform Ohio Now, the group sponsoring a constitutional amendment on the Nov. 8 ballot in that state. "We have districts with little arms coming out."

In Florida, the 27th State Senate District stretches nearly from the Gulf of Mexico to the Atlantic coast and takes three hours to cross by car. It was created from the scraps of other nearby districts, said Sen. Dave Aronberg, a Democrat who holds the seat. "This seat became the leftovers," he said.

Contorted political lines such as these are a tradition almost as old as the U.S. itself and called "gerrymandering," after the salamander-shaped county that Massachusetts Gov. Elbridge Gerry drew in 1812 to favor his political party. But lately, toleration of the practice has been fading.

Redistricting reform proponents, including Gov. Arnold Schwarzenegger, say the facts speak for themselves: In November 2004, not one of the 153 congressional and legislative races in California changed parties. None of Ohio's congressional seats changed hands. Either a Democrat or a Republican didn't bother to run in 72% of the races for the Florida Legislature and almost half the races for the Massachusetts Legislature.

"Sort of like the Politburo," said Pamela H. Wilmot, executive director of Common Cause Massachusetts. She said some lawmakers there haven't faced an opponent in more than a decade. "You can imagine that that has some pretty dire consequences to political accountability," she said.

Among the civic "pathologies" created by gerrymandering is a dearth of moderate, centrist politicians more open to compromise, said Ohio State University political professor Herb Asher.

When districts are drawn to favor one party, competitors from other parties are discouraged from running. So the real fight for the seat unfolds in the primary election. To win the primary, candidates appeal to the true believers of their party. The most liberal Democrats and most conservative Republicans tend to get elected.

"We wonder why we're electing Democrats and Republicans who seem to be more extreme than the average Democrat or Republican," said Asher, "and when they get to the statehouse, they don't seem to talk to one another."

Calls for taking redistricting from the self-interested hands of lawmakers are nothing new. They often arise from the out-of-power party, whose enthusiasm for "reform" wanes once they've gained control. And groups such as Common Cause have been pursuing reform since the 1970s, with occasional success.

A dozen states don't allow lawmakers to draw legislative districts, and six don't allow lawmakers to draw congressional boundaries, according to the National Conference of State Legislatures. They include Arizona, where voters passed a Common Cause-backed initiative in 2000 to shift redistricting to a bipartisan panel.

Some political scientists say the wave of new redistricting proposals is in part a reaction to recent events

in Texas and Georgia. There, legislatures upended a century-old tradition of redrawing political boundaries only once every 10 years, upon the arrival of fresh data from the national census.

Republicans in Texas gained control of the Legislature in 2002, and redrew congressional lines the following year. Under the new districts, Republicans gained five seats and helped the national party retain control of the U.S. House of Representatives.

Similarly, in Georgia, after Republicans gained control of both houses of the Legislature in 2004, they redrew congressional districts that government watchdogs said had been gerrymandered by Democrats.

"The lines are a heck of a lot cleaner than they were," said Bill Bozarth, executive director of Common Cause Georgia.

Still, he said, he intends to pursue legislation to create an independent commission. Georgia does not have an initiative process. "We're trying to be the honest broker, saying it doesn't matter who screws whom, it's a lousy process," Bozarth said.

Rank-and-file Republicans across the nation have long called for independent redistricting, said Douglas M. Johnson, a research associate with the Rose Institute of State and Local Government at Claremont McKenna College, and now more Democrats seek it too, as a defense.

"Now it's a bipartisan push," Johnson said, "so that kind of frees a lot more support and energy."

Others say independent redistricting is simply the next goal of government watchdog groups that had been focused on limiting campaign contributions.

"It is still the reform *du jour* among the same people that brought you campaign finance reform," said Bruce Cain, director of the Institute of Governmental Studies at UC Berkeley.

The move to change who does redistricting is often viewed suspiciously as partisan.

In California, for example, Democratic legislative leaders are scrambling to raise money to defeat Proposition 77. They have said they are willing to give up redistricting authority, but not under the rules of Schwarzenegger's initiative. They complain that it calls for the immediate redrawing of legislative, congressional and Board of Equalization districts, before the 2010 Census.

Assembly Speaker Fabian Nuñez (D-Los Angeles) said he hoped to defeat Proposition 77 and then design a commission with more accountability and independence for voters to consider at a future election.

"There are 3 million additional people since the last census in California," Nuñez said, "and those folks will not get an opportunity to have equitable representation" under Proposition 77.

Nuñez called the initiative "a political grab *a la* Tom DeLay," referring to the Texas Republican congressman who landed in ethical trouble for his involvement in the Texas 2003 redistricting plan.

A September Field Poll shows Proposition 77 foundering, with more Californians opposed than in support — 46% to 32%.

Democratic political consultant Garry South predicts that the measure is doomed by its complexity, its lack of Democratic support, the state's historic reluctance to change redistricting — a dozen measures

have been defeated since 1926 — and Schwarzenegger's low standing with voters.

"If a governor who's at 34% at the polls can pass a measure that's at 35% in the polls, I'll eat my hat," South said.

Rob Richie, executive director of the nonprofit, nonpartisan FairVote — the Center for Voting and Democracy in Maryland, said he fears that the requirement for an immediate redistricting, without new census data, will hamper the ballot measures in Ohio and California and the proposal being circulated in Florida.

Richie said the average voter understands it is potentially corrupting to allow politicians to structure their own elections. But, he said, a mid-decade redistricting raises questions about the rush to draw new lines without knowing which cities and counties have gained and lost population over the last five years.

"The voter will say, 'Why aren't they waiting, playing with the rules the way they are?' " Richie said.

In Massachusetts, activists shied away from requiring that new lines be drawn before the next census. "It muddies the water in terms of what people are voting on," said Wilmot of Common Cause Massachusetts. "Are they voting on the process or are they voting on the current districts?"

But in Florida, polls show it's an easy sell, said Betty Castor, a former Democratic lawmaker and a volunteer backer of the redistricting measures now being circulated on petitions there. "If you could see our congressional seats," Castor said. "It's worse than a jigsaw puzzle. It's a catastrophe.... This is so egregious it needs to be corrected now."

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Drawing the lines

On Nov. 8, California and Ohio voters will consider stripping state lawmakers of the authority to draw legislative and congressional boundaries. Signatures are also being gathered to put redistricting measures on the ballot in Florida and Massachusetts. Each state takes a different approach.

California

- **Proposition 77**

Who draws the lines: Twenty-four retired state or federal judges who have never held partisan office are selected randomly by the Judicial Council until half are Democrats and half Republicans. The four legislative leaders, two Democrats and two are Republicans, each nominate three judges not of their party. Each leader then eliminates one of the nominated judges. From the remaining judges, three are chosen at random.

Criteria for districts: Each Senate district must be made up of two Assembly districts. Districts should be as compact as possible and minimize the splitting of counties and cities. Incumbent addresses cannot be taken into account.

Timeline: New maps would be used for the June 2006 election. Voters would consider the new maps on the November 2006 ballot, and if they were to reject them, politicians elected under the plan would still serve out their terms. After 2006, redistricting would be done every 10 years following the federal census.

Ohio

- **State Issue 4**

Who draws the lines: The longest- and second-longest-serving appellate judges choose two commission members, and those members then appoint three other members from applicants.

Criteria for districts: Must be "competitive," as defined by a mathematical formula. Members may alter a plan to preserve communities of interest based on geography, economics or race so long as the alteration does not significantly reduce competitiveness.

Timeline: Boundaries must be redrawn immediately and used in the following election, after which redistricting is done every 10 years following the federal census.

Florida

- **Proposal in circulation ***

Who draws the lines: The leader of each house of the Legislature chooses three members, as do the minority parties in each house. The chief justice of the Supreme Court chooses three members, each of whom lives in a different appellate court district, to create a 15-member commission. Actions by the commission require 10 votes.

Criteria for districts: Districts must be compact, use political and geographical boundaries where practical, preserve communities of interest and not take incumbents' addresses into account. Competitive districts should be favored.

Timeline: Commission adopts a plan in 2007 and the new districts are used in 2008.

Massachusetts

- **Proposal in circulation**

Who draws the lines: The governor appoints a dean or professor of law, government or political science from a Massachusetts university; the attorney general appoints a retired judge; and the secretary of the commonwealth appoints a civil rights law expert. Those three members then choose four more members from a list of nominees prepared by the top four legislative leaders.

Criteria for districts: Districts should be compact, lie within municipal boundaries, keep neighborhoods together, contain House of Representative districts within Senate districts and not take

the addresses of incumbents into account.

Timeline: The commission adopts a plan after the federal census in 2010.

* Each aspect would appear separately on the ballot.

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