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Open and Transparent: The Citizens Redistricting Commission

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Through the passage of two propositions in 2008 and 2010, Californians established an independent Citizens Redistricting Commission to draw districts based on specific, nonpartisan rules designed to ensure fair representation. One of the most important aspects of this reform of redistricting for the state legislature, Board of Equalization, and the House of Representatives is that the process must be open to scrutiny by the public and the press. We are extremely pleased that the commission's work—as well as

the implementation work leading up to the appointment of the commission—has in fact been open and transparent.

Our organization, the League of Women Voters of California, bases advocacy on policy positions that arise from our members' thorough study and agreement. We believe that the redistricting reform principles we have endorsed for more than 20 years have been realized with the success of the Citizens Redistricting Commission.

Six years ago, we renewed our redistricting reform efforts in collaboration with a number of other groups and individuals who saw an opportunity for change. Because we prefer a legislative solution to the initiative process, we worked for almost three years to get a reform bill through the legislature. Along the way, we opposed an initiative, Proposition 77 of 2005, because it did not meet our criteria. Despite our collective best efforts, it ultimately became clear that reform was not going to come through the legislative process, and we concluded that we had to take the initiative route.

Once that decision was taken, we sought a measure that embodied three principles of effective reform: an independent redistricting body; fair, ranked criteria; and an open and transparent process. Having an independent body cuts the connection between the results of the maps and the people drawing them. Good, prioritized criteria give the body clear direction as to how to draw the maps.

For the League, the open, transparent process is crucial because it gives the public solid proof that the mapping decisions were not subject to behind-the-scenes deals of any kind. An independent body using good ranked criteria, but not using an open, transparent process, could produce good maps but always be subject to the charge that “a deal was cut.” There will always be some who allege backroom manipulation, but the fact that the process is open to scrutiny, and the record completely accessible by all, reassures the vast majority that whatever their opinion of some districts, the maps were drawn fairly.

We participated in drafting the Voters First Act, Proposition 11, and campaigned hard for its success on the November 2008 ballot. However, our exhilaration upon its passage led very quickly to the realization that this one-of-a-kind endeavor was just the beginning of a very long implementation effort.

The state auditor’s office, which was responsible for the process of selecting the members of the Citizens Redistricting Commission, immediately held hearings around

the state to ascertain public opinion about implementation. They assigned staff, enlisted legal experts and sought advice about how to set up an application process. In addition to advertising to the general public, the auditor reached out to many individuals and groups for specific comment on regulations to cover everything from fleshing out the Voters First Act’s definition of the most qualified applicants to interpreting conflict of interest provisions and how best to conduct an unbiased random drawing. (Answer: prenumbered bingo balls!)

The regulation writing process was extended to include procedures for the eight commissioners selected randomly from the final applicant pool to select six more commissioners from the pool in the last step of the selection process. The auditor’s open and accessible process set a precedent for inviting participation by all Californians and, significantly, for collaboration among both supporters and opponents of the Voters First Act who have done their best to ensure a smoothly functioning, fair implementation.

That precedent was followed as implementation moved from regulation writing to outreach to potential applicants in the fall of 2009. The auditor’s office hired a public relations firm and blitzed the state with publicity. Perhaps more importantly, though, they enlisted “outreach partners” (including the League) and other nonprofit organizations of diverse political points of view that encour-

aged Californians to apply and educated them on the process. In a salutary example of a public/private partnership, many of these organizations received private grants from The James Irvine Foundation to help finance the outreach efforts. Working collaboratively as RedistrictingCA, the groups kicked off the application period with a conference designed to spread the word about the significance of redistricting and the new California process and to urge people to apply.

Californians responded enthusiastically to participate in this process, from which they had been shut out so firmly in the past. Nearly 31,000 submitted applications in the first phase of the selection process, and more than 4,500 went on to complete the second phase's much more extensive and demanding application. The selection process was rigorous and transparent throughout, as the three-person Applicant Review Panel worked in the open to cut down the list to 623, then 314, and then interviewed 120 applicants before selecting a pool of 60. Live-streamed on the Internet, the ARP's activities were available for all to scrutinize, as were the sessions when the commissioners were selected from the pool. (In fact, the only opaque aspect of the whole selection process was the striking of a certain number of applicants by legislative leaders, without fanfare or announcement to the public.)

The Citizens Redistricting Commission, faced with the awesome task of creating an entire government process in

a few months, took many positive steps to be transparent and involve citizens in its activities. For people long accustomed to an established, staff-driven, smoothly running bureaucracy, it must have been painful at times to watch. But although the commission had to debate in public how to put themselves together, they ultimately succeeded—in everything from establishing an office and hiring staff, to deciding how to conduct public outreach and how to deal with comments from tens of thousands of people from all around the state.

It was not always easy, as for example when following state procurement requirements meant a delay in acquiring even the basic office computer software or when plans to contract out for an outreach and education program were taken back in-house in order to spare the budget. But time and again, commissioners demonstrated that transparency was not a barrier to effective action. And time and again, public input provided them valuable guidance and assistance.

Some observers noted a benefit afforded by state open meeting requirements and the Voters First Act's ban on communications from anyone on redistricting matters outside of a public hearing. The time spent by the commissioners in really getting to know one another during meals and other nonpublic time together, when redistricting matters could not be discussed, gave them an opportunity to

learn to respect and trust one another and to work collaboratively that many government bodies sorely lack.

It was clear that the commission assigned a very high priority to public accessibility as well as to openness and transparency. In their 34 public input hearings around the state and 70 business meetings, commissioners took public comment seriously—both about communities and regions and about the process itself. They were open to constructive comment and adapted their processes in response.

Californians responded overwhelmingly to the opportunity to help shape the commission's work; more than 2,700 people testified in person and more than 20,000 submitted written comments. This widespread public engagement was a tremendously heartening, if unexpected, consequence of the reform. Nobody knew what the public would do. We now know that Californians certainly do care about their government and how it is constructed.

The League of Women Voters of California feels that the work of this first Citizens Redistricting Commission was a great success. We look forward to helping make it work even better next time.