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Judging the Redistricting Commission

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California's first redistricting commission is now history. After six months of work, it has certified four maps for the next 10 years to the secretary of state for Congress, the Assembly and Senate, and the Board of Equalization. While much will be written about the commission's work as we head into the 2012 election cycle and beyond, this is a good time for at least a preliminary review of the commission product. Did they do the kind of redrawing of the political maps of California the voters wanted when they passed Proposition 11 in 2008 and Proposition 20 in 2010?

The notion of an independent commission to redraw district lines was originally opposed by California Democrats and supported by California Republicans, including

former Gov. Arnold Schwarzenegger. Democrats saw this as an attempt to deny them, as the majority party, the power to draw districts. Republicans saw the commission as the one way to keep the Democrats from gerrymandering the state for themselves.

As the commission process unfolded earlier this year the Democrats were pleasantly surprised. The Democratic members of the commission were much stronger than the Republican members. Over GOP opposition, the commission hired Berkeley demographers as their line drawers who had ties to the Democrats, and a staff made up almost entirely of Democrats. Republicans loudly squawked and began preparing for the worst.

In the end, the results were mixed. The commission was supposed to ignore incumbents and political data, but everyone knew that was fiction. The more sophisticated commission members were well aware of the needs of incumbent politicians and often responded to them. African-

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American groups in Los Angeles insisted on the creation of three African-American congressional districts, reflecting their three current incumbents, even though the population barely allows for one seat. But the two African-American commissioners made it clear that the price for their supporting the congressional plan was three blacks seat, and that is what they got.

The congressional plan, which was opposed by two of the five Republican commissioners, is a good place to start. Most observers think the Democrats may gain seats in 2012 under the commission's congressional lines. That would appear to be the case. But it is hard to attribute that to a commission plot to help congressional Democrats. The state's 19 GOP members of Congress have benefited over the past decade from the 2001 bipartisan gerrymander that has protected most of them from serious competition, even though GOP registration has fallen over the past decade. The commission was sure to break up that gerrymander, and indeed it did so.

The commission congressional map does in fact create a surprising number of competitive congressional districts. I count six districts as being true toss-ups, and that is five more than we had under the gerrymandered plan. Rep. Dan Lungren (R-Sacramento) lost two points of Republican registration in his district, and he had close races in 2008 and 2010. But this is because his area is drifting

to the Democrats, and the commission plan is actually a pretty rational district.

Rep. David Dreier (R-San Dimas) has a very marginal district to run in; it is all in San Bernardino County and only includes a small portion of his current seat. GOP Reps. Ed Royce (R-Fullerton) and Gary Miller (R-Diamond Bar) are in the same district, but there is a marginal district created in Riverside where Republicans have a potentially strong candidate.

Rep. Eldon Gallegly (R-Simi Valley) has a tough Ventura County district, but in making his district marginal the commission also made very marginal the neighboring district of Democratic Congresswoman Lois Capps (D- Santa Barbara). Republicans have a strong candidate in former Lieutenant Governor Abel Maldonado who will face Capps.

Democrats will also lose one Central Valley incumbent as Rep. Jim Costa (D-Fresno) and Rep. Dennis Cardoza (D-Merced) were placed in the same district. The GOP could pick up the neighboring marginal seat that Costa has vacated.

So in Congress, Republicans could suffer some losses, but they also have opportunities in some formerly safe Democratic seats.

The GOP also has little to complain about in the Assembly where almost all Assembly members of both parties remain safe. The commission map created very few

competitive Assembly districts, and most analysts expect little change in the Assembly makeup. Democrats feel that the commission's insistence on creating more Latino Assembly districts actually packed their voters and left them with fewer opportunities than they would have liked.

In the Board of Equalization, the commission retained the current two Democrat-two Republican seat balance, so there is no change there.

The Senate turned out to be the controversial map, and Republicans believe Democratic commissioners played partisan games with the Senate map to deliver a two-thirds majority to Senate Democrats. Virtually all analysts agree that the Democrats will get two thirds in the 2012 election under the Senate map.

This comes about primarily by the way in which the Central Coast is divided up. One marginally Republican district is made safely Democratic by driving its population way north into the Bay Area. A GOP seat in eastern Ventura County is run into heavily Democratic and Latino portions of the San Fernando Valley, while a new safely Democratic seat is created out of what's left of these two districts.

Republicans contend that this did not happen by accident. They contend that a Democratic commissioner, Gabino Aguirre, pushed a clearly partisan drawing of the Central Coast to help his friends win Senate seats, and that in so doing the commission violated the constitutional cri-

teria that is supposed to guide the drawing of the lines. So Republicans have filed a referendum against the Senate map in the hopes that the Supreme Court will appoint a Master and draw an interim plan for 2012.

Republicans are not the only ones unhappy with the Senate plan. Latinos, including the National Association of Latino Elected and Appointed Officials asked the commission to reject the Senate map, and have talked about a federal Voting Rights Act lawsuit against the map over regression of Latino opportunities. Republicans are bringing a state lawsuit against the Senate plan on state constitutional grounds.

So how should we judge the commission's work?

- In Congress the commission created a number of competitive districts while undoing the 2001 gerrymander.
- In the Assembly the commission left the status quo intact, and probably created fewer competitive seats than it should have.
- The Board of Equalization remains unchanged
- The State Senate map is under attack for regression of Latino electoral opportunities and a partisan map intended to help Democrats. Whether this map will be revised by the courts or through a referendum remains to be seen.