

Hi, this is Chris Micheli with the Sacramento governmental relations firm of Aprea & Micheli, and an adjunct professor at McGeorge School of Law and its Capital Lawyering program. Today's podcast is on the Citizens Redistricting Commission. The California Citizens Redistricting Commission, which I refer to as the CRC, is charged with completing the decennial job of drawing district lines for state Senators, state Assemblymembers, U.S. House of Representatives members, and the State Board of Equalization members.

The CRC is established in Article XXI of the California State Constitution. Article XXI concerns the redistricting of the Senate, Assembly, Congressional, and BOE districts, every 10 years. The Article was most recently amended by Proposition 11 on the November 4th, 2008 statewide ballot. Now, Article XXI has three major sections.

Section 1 basically states that in the year following the year in which the national census is taken, under the direction of Congress at the beginning of each decade, then the Citizens Redistricting Commission must adjust the boundary lines of the Congressional, state, senatorial, Assembly, and Board of Equalization districts, in conformance with the standards and process set forth in this Article XXI of the state Constitution.

Section 2 of Article XXI, specifies that the CRC was created no later than December 31st, 2010. And then it remains for each year ending in the number zero thereafter. This section provides that the CRC must, one, conduct an open and transparent process that basically enables full public consideration and comments concerning the drawing of district lines.

That the CRC draw district lines according to the redistricting criteria specified in Article XXI of the state Constitution. And third, that the CRC conducted themselves with integrity and fairness. Now the CRC, also in section 2, is comprised of 14 members, and they have to have specified political party registration.

And each commissioner is required to be a voter who's been continuously registered in the state of California with the same political party or unaffiliated with a political party; and who hasn't changed political party affiliation for five or more years, immediately preceding when they get appointed to the commission. And the commission by the Constitution is required to establish single member districts for those Senate, Assembly, Congressional, and Board of Equalization districts.

And again, they're going to utilize a mapping process that has specified criteria found in the state Constitution. Then in Section 3 of Article XXI, it provides that the CRC as the sole legal standing to defend any action regarding a certified final map. And the commission has to inform the Legislature if it determines that funds or other resources provided for the operation of the commission are not adequate.

In which case the legislature has to provide adequate funding to defend any action regarding any of the certified maps. Now, in addition to these constitutional provisions, again, found an Article XXI of the state constitution, California Government Code in Title 2, the Division 1 Chapter 3.2 also deals with the Citizens Redistricting Commission. And so, you should look at Sections 8251 to 8253.6.

Basically, 8251 deals with the general provisions, and the broader Chapter 3.2 is intended to implement Article XXI by establishing the process for the selection and the governance of the commission itself. And in a nutshell, the California state auditor randomly selects the first eight members. So again, the first half of the membership of the commission. And then three who are Democrats, three who are Republicans, and two who are either declined to stay or registered with a third party.

Now the auditor selects, these folks were randomly by a drawing. And this occurs after the four legislative leaders have exercised their authority to eliminate the names of 24 applicants from a pool of 60. And basically that pool of 60 are the most qualified applicants who've been identified by the auditor out of the five or 600 applicants for these commission positions.

And then those other persons are the ones who then choose the remaining six members. And so, that's how the commission is put together. And, of course, the commission itself is responsible for drawing the district lines, pursuant to the constitutional criteria set out in Article XXI. So, that's the brief overview of the California Citizens Redistricting Commission.