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**BODY:**

WASHINGTON -- Although Gov. Arnold Schwarzenegger and supporters of Proposition 77 repeatedly say voters should approve the redistricting initiative next month because it will make congressional and state Legislature races more competitive, there's a word noticeably missing from the proposal's criteria for creating new legislative districts:

Competition.

A redistricting initiative on Ohio's November ballot includes specific wording that requires an independent panel to consider competitiveness in drawing new district boundaries. So does a proposed ballot initiative being circulated on petitions in Florida. Existing laws in Arizona and Washington state also have competition requirements.

Not including such language in California's Proposition 77 is a potentially fatal flaw if supporters are really intent on creating more competition, some redistricting experts said.

"It's great to say that this ... would in fact encourage competitiveness, but there's no guarantee," said Michael McDonald, an assistant government and politics professor at George Mason University in Virginia. "It's a matter of faith rather than words."

Proposition 77 on the Nov. 8 ballot seeks to create additional competition indirectly by transferring the power to draw districts from the Legislature to an independent panel of retired judges, supporters said. The initiative also contains guidelines to prevent gerrymandering -- contorted districts that stretch to include or exclude blocs of voters.

Although the need for "fair and competitive elections" is mentioned in the initiative's "declarations of purpose," specific language mandating competition would lead to more contorted districts that split up cities and counties, Proposition 77 supporters said.

"I think Proposition 77 got it right by not specifically mandating competition. That would produce gerrymandering again," said Steve Poizner, chairman of the "Yes on 77" campaign.

Schwarzenegger has repeatedly noted that none of the state's 153 congressional and state legislative seats changed party hands in 2004.

"Let a panel of retired judges pick and draw the districts -- a panel of retired judges that has no vested

interest in the outcome," Schwarzenegger last month. "And then we will have districts where the Democrats and the Republicans have to compete."

But the experience in other states has shown that the rules dictating how districts are drawn can be as important as who draws them. And Proposition 77's oft-stated purpose of increased competition could fail because of a lack of specific requirements for it -- criteria that would allow legal challenges to new legislative boundaries that do not produce more competitive races, McDonald said.

Ohio's redistricting initiative backers, Reform Ohio Now, didn't want to leave their main goal to faith, said spokesman Keary McCarthy.

Their proposal requires a new, independent redistricting commission to use a complex formula to measure each proposed district's competitiveness based on data over the past three elections. The formula would produce a "competitiveness number" for a series of proposed maps, and the commission would have to give preference to the map with the highest rating before applying other criteria.

"We chose to focus on competitiveness because we believe that's the best way to have responsive politicians," McCarthy said. "We want to make sure that's the essence of this plan."

Concerns about decreasing competition has been the main argument for changing the redistricting process in several states over the past two decades.

A proposition passed by Arizona voters in 2000 does not have the complex competitiveness formula proposed in Ohio. But the last of six criteria in Arizona states "to the extent practicable, competitive districts should be favored." The provision is similar to one in a redistricting law passed by Washington state voters in 1983.

The first set of legislative boundaries drawn by Arizona's new, independent commission were tossed out last year by a state judge, who ruled in favor of legal challenges that the districts did not comply with the competitiveness requirement. The commission is appealing, and its original map was used in the 2004 elections.

The competitiveness requirement has had a "profound" effect on the proposition's implementation in Arizona, said Steve Lynn, the commission chair. Part of the legal dispute has been the importance of competition in relation to other criteria. Lynn said he'd recommend that any state whose main goal is increased competition include that "clearly and forcefully" as the top priority.

Specific competition criteria were considered in the two-decade-long process of drafting what ultimately became Proposition 77, said Ted Costa, the political activist whose group, People's Advocate, crafted the initiative. Under one proposal, districts would have been drawn so as many as possible contained a population whose votes in the previous gubernatorial election came within seven percentage points of the winner's statewide total, Costa said.

"When we thought about it two or three times, we said, 'Uh oh, there's a better way to do it,'" Costa said. The plan would have produced more competitive races, but would have split up many cities and counties to create the right voter balance, he said. Keeping such "communities of interest" together is the main goal of Proposition 77, Costa said.

A recent study by the **Rose Institute** of State and Local Government at Claremont McKenna College found that Proposition 77 "is likely to create significantly more competitive districts" simply by eliminating oddly shaped boundaries that seek to maximize the number of registered voters from one party.

Nathaniel Persily, a redistricting expert at the University of Pennsylvania, said California's political geography -- Democrats largely in urban areas and along the coast, with more Republicans in the interior -- make it difficult to create a lot of competitive districts without splitting up communities.

The only way to draw a large number of competitive districts would be to create narrow ones stretching from the coast to the interior, Persily said -- something he'd recommend against unless the main purpose is more competition. But because increased competition has been used as the prominent selling point for Proposition 77, Persily said he's surprised that it's not in the initiative's criteria.

"It will lead to fewer competitive districts, I suspect, than if it were there," he said of a specific competition criterion. "If the whole point of this exercise is to increase the number of competitive districts, then I don't

see why it's not in there."

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