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**SECTION:** A SECTION; Pg. A01**LENGTH:** 1432 words**HEADLINE:** Prop. 77 changes could be dramatic;

INITIATIVE: If the redistricting plan passes, legislative boundaries face major revisions.

**BYLINE:** JIM MILLER; SACRAMENTO BUREAU/THE PRESS-ENTERPRISE**BODY:**

Riverside County's 64th Assembly District has been very good to Assemblyman John J. Benoit. The Palm Desert Republican hardly campaigned for re-election and still received 61 percent of the vote last November.

But if California voters approve Prop. 77 next month, Benoit says, "I don't know if I will have a career in politics."

A cornerstone of Gov. Schwarzenegger's Nov. 8 special-election package, Prop. 77 would scrap the current political boundaries passed by the Legislature in 2001. A panel of three retired judges would draw new districts in time for the June 2006 primary election.

Prop. 77 proponents blame the 2001 maps for protecting incumbents and minimizing competition. The result, they contend, is a more polarized Legislature where lawmakers pander to their party's ideological extremes to avoid being challenged in the next primary election.

"It will go a long way toward fixing the problems in Sacramento," added Steve Poizner, the chairman of the yes-on-Prop. 77 campaign and a Republican candidate for insurance commissioner. "The system now is totally rigged. There is no other word for it."

For Benoit, Prop. 77's passage could mean a 64th without his home. He could wind up in the same district with another lawmaker, forcing him to run against a colleague. Or the new maps could make the district more competitive and draw a well-funded Democratic opponent.

Nevertheless, Benoit will support Prop. 77 because he said it would eliminate lawmakers' self-interest in crafting political lines.

Democratic leaders in the Legislature and most of the state's congressional delegation oppose Prop. 77.

Steve Maviglio, a spokesman for an umbrella group of labor unions, Democrats and other opponents of the measure, said it puts too much power in the hands of unelected judges.

"They will be volunteers. And the people who volunteer for this thing probably will by nature be partisan" and want to support their cause, he said.

Critics also contend that Prop. 77 initially would discriminate against areas of high population growth, such as Riverside and San Bernardino counties. The judges would rely on increasingly obsolete 2000 census numbers to craft next year's boundaries.

"Essentially, they'll be selling everybody a new car in 2006 but it will have a 2000 engine in it," no-on-77 spokesman Paul Hefner said.

#### REMOVED COMPETITION

Under the Constitution, California must redraw political lines once a decade to reflect population changes.

The latest redistricting followed the 2000 census. And in California, a deal was made.

In return for the majority Democrats not attempting to fashion more Democrat-friendly seats in the Legislature and Congress, the Republicans would not challenge the plan through a referendum.

Powerful computers let mapmakers use election and voter registration data to nip and tuck legislative, congressional and Board of Equalization districts. Critics dubbed the plan a "bipartisan gerrymander" and it has worked. Since 2002, after more than 300 elections, only three seats have changed parties.

"(The legislators) picked the voters instead of the voters picking the politician. They turned the system upside down," Schwarzenegger recently told reporters.

The maps divided Riverside, a city of about 300,000 people, into two sprawling Assembly districts - the 64th and 66th - of about 424,000 people each. A district shaped like a sagging barbell - the 63rd - extends from Rancho Cucamonga to Redlands.

In the Senate, the Republican-safe 31st Senate District wraps around San Bernardino and drops down to Riverside, while the Democrat-leaning 32nd juts from Pomona to San Bernardino's urban core.

Benoit's district extends from Palm Desert to Riverside. If Prop. 77 passes, the 64th Assembly District likely would be consolidated at one end or the other.

If the 64th becomes more Riverside-centric, Benoit would be out of the district. If the new district takes in the entire Coachella Valley, that would put Benoit and Assemblywoman Bonnie Garcia, R-Cathedral City, in the same district and possibly lead to a primary fight for the seat. Benoit, who is up for re-election next year, can serve one more term in the Assembly under voter-approved term limits.

It's unclear how much of an effect Prop. 77 would have on the partisan makeup of the Legislature and state's congressional delegation.

A recent study by the **Rose Institute** at Claremont McKenna College predicted that Prop. 77 would yield 10 additional competitive congressional districts statewide, seven more competitive state Senate districts, and four new competitive Assembly districts.

Some Democrats accused the **Rose Institute** study of bias, alleging financial ties to supporters of Prop. 77 and Schwarzenegger.

But another study, published by the Los Angeles-based Center for Governmental Studies, said the measure likely wouldn't create that many competitive districts.

There is no proof that more competitive races means better lawmakers in Sacramento and Washington.

"If caucuses are fighting over five or 10 seats, even a caucus

leader who comes from a more extreme area would lead their caucus in a more moderate position because they want to win those seats," said Douglas Johnson, an author of the **Rose Institute** study.

But Sacramento wasn't exactly a bipartisan utopia after 1992. That is when more competitive court-drawn districts took effect after the Legislature and former Gov. Pete Wilson failed to reach agreement on a redistricting plan.

Between 1992 and 2002, for example, lawmakers failed to pass on-time budgets in seven of the 10 years. In 2002, before the 2001 maps took effect, the Legislature set a record for a late budget.

#### POPULATION GROWTH

Prop. 77 marks the fifth time in the past few decades that voters will decide whether to change the state's redistricting system. Previous efforts failed.

The measure holds a unique downside for the Inland area. Under the measure, the new lines would be based on 2000 census numbers.

But the populations of Riverside and San Bernardino counties, which have some of the highest growth rates in the state, increased by almost 500,000 through 2004, according to the state Department of Finance. That is more than the size of an Assembly district.

The last census counted Harold Ray and his wife, Theresa, as San Diego residents. If Prop. 77 passes, new maps would fail to reflect the Rays' 2001 move to Murrieta. The new residents in Riverside and San Bernardino counties would not get the representation they should in Sacramento and Washington, D.C.

Harold Ray nevertheless plans to support the initiative because he thinks the 2001 contorted lines are ridiculous, he said.

"Anything would be an improvement," he said.

Also, Poizner noted that existing districts don't account for population growth, either.

"Prop. 77 at least focuses on the gerrymandering," he said.

The population growth could be grounds for a lawsuit by opponents. Some groups might sue to block a plan they feel fails to reflect the state's non-white population.

\* \* \*

#### IF PROP. 77 PASSES:

Lawmakers and judges will have to move quickly to make sure district boundaries are redrawn in time for the 2006 elections.

\* The state Judicial Council collects names of eligible retired judges willing to serve on three-judge panel to draw new political boundaries. The council will randomly select a list of 24 volunteers.

\* By late November, the Legislature's four leaders must nominate three judges apiece. Lawmakers can challenge another lawmaker's nominee.

\* Of the remaining judges, three will be selected randomly. The panel must have at least one Republican and Democrat.

\* The retired judges will hold public hearings around the state.

\* The panel will have to issue its plan by Dec. 30, when candidates can begin gathering signatures to qualify for the June 2006 primary election ballot.

\* The plan will go before voters in the June election. If approved, the map will remain in effect until the 2011 redistricting. If rejected, the 2006 boundaries will remain in effect until another panel of judges prepares a new redistricting plan for the next primary or general election.

SOURCE: TEXT OF PROP. 77; LEGISLATIVE ANALYST'S OFFICE (LAO.CA.GOV)

**NOTES:**

VOTE 2005

**GRAPHIC:** FRANK BELLINO/THE PRESS-ENTERPRISE / Murrieta residents Theresa and Harold Ray moved from San Diego to Murrieta in 2001. If Prop. 77 passes, the new legislative district lines would be based on the 2000 census and not take into account the massive population growth in the Inland area since then.; PHOTO ; MAPS

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