

California Groups Support Citizens Redistricting Commission Diversity Against Attack by Prop. 209 Author

SAN FRANCISCO (October 4, 2012) – A Sacramento Superior Court will hear arguments this Friday in a lawsuit claiming that the California Citizens Redistricting Commission’s member selection process violates Proposition 209, which prohibits “preferential treatment” on the basis of race or sex in public education, contracting, and employment.

California Common Cause, League of Women Voters of California, and California NAACP say that the Redistricting Commission’s member selection process is legal and the will of California voters. The three organizations filed an amicus brief in support of the Redistricting Commission to defend against the lawsuit filed by Ward Connerly and the American Civil Rights Foundation.

The California Citizens Redistricting Commission was created by voters through the passage of Proposition 11, which was drafted and approved with the understanding that its Commissioners would reflect California’s diversity, and should not be subject to a legal attack based on Proposition 209.

The Redistricting Commission’s member selection process does not require consideration of, or grant any preference based on, race, sex, ethnicity or national origin. The process does not establish a preference for a particular group, requiring only that the commission be “reasonably representative of [California’s] diversity.”

Since no aspect of the Commission’s selection process favors a particular gender or ethnic group, it does not violate Proposition 209. The brief supports the Attorney General’s argument that the court should dismiss the lawsuit.

California voters adopted Proposition 11 in 2008, transferring authority to draw state Legislative and Board of Equalization district lines away from the Legislature and to a new commission “independent from legislative influence and reasonably representative of the State’s diversity.” Voters in 2010 expanded the Redistricting Commission’s authority to include defining election districts for California’s congressional delegation.

Proposition 11’s ballot information promised voters that the Commission would be an inclusive and diverse institution. The constitutional diversity provisions—along with the statutory provisions implementing them—are an important part of Proposition 11, included to ensure the legitimacy of the Commission in the eyes of the public as an inclusive and appropriately representative body.

The ACLU Foundation of Southern California, the Asian Pacific American Legal Center (a member of the Asian American Center for Advancing Justice), the Equal Justice Society, the Lawyers' Committee for Civil Rights of the San Francisco Bay Area, and the law firm Munger, Tolles & Olson LLP served as co-counsel on the brief. Visit <http://www.equaljusticesociety.org/law/prop11amicus> to download the brief or for more information on this case.

The case is *Connerly v. State of California*, 34-2011-80000966-CU-WM-GDS, Superior Court of California, County of Sacramento.