

TO: Members of Board Committee on Planning, Program Development and
Budget and its Governance Transition Plan Subcommittee
Starr Babcock, Lawrence Yee, Francisco Gomez

FROM: Michael Wagaman

DATE: October 8, 2011

RE: Supplemental Report on Potential Implementation Plan for SB 163

This memo is a supplement to the prior memo on implementation of SB 163. It focuses only on the sequencing of the district elections for attorney members. It is intended to serve two functions:

- 1) Outline a framework for discussing potential options; and,
- 2) Detail the sequencing that would occur under an equal representation model.

FRAMEWORK

Several models were outlined in my previous memo. They fall into two broad categories:

- 1) **Transition Period Focused-** These include both the minimum representation model outlined in detail previously and the equal representation model outlined below. Their primary focus is on achieving specific goals during the transition period from 2012-2014.
- 2) **Post-Transition Period Focused-** These include both the geographic and sequential numbering models outlined previously. Their primary focus is on achieving specific goals for elections in future years.

A key early decision for the Board will be whether the primary goal is to achieve positive outcomes during the transition period or in years after the transition period. In other words, should the focus be on short-term or long-term impacts.

It should be noted a final option previously outlined is a random model. Such a model by definition is not designed to achieve a specific goal and instead leaves the results to fate.

EQUAL REPRESENTATION MODEL

The goal of the district elected attorney members before SB 163 appears to have been to guarantee *equal* representation (i.e. "one person, one vote"). The Board could elect to sequence the District in the manner most consistent with this goal during the transition period. However, after the transition period, inevitably the districts will not be balanced as there are wildly different numbers of attorney members in each Appeals District. Put more simply, this model will ultimately run into the statutory restrictions placed on it by SB 163.

Most measures of equal representation focus on the end result, that is how balanced are the districts after any transition period. These measures have no value as the focus of this model is specifically on the transition period.

Further, there are different methods for computing equal representation. Some focus on how equitable representation is for the average member. Other methods look at how big the gap in representation is between the most overrepresented and most underrepresented member (i.e. total deviation). A review shows that in this case both of these methods lead to the same result. Therefore only the former is outlined in this memo. The following steps were taken:

- 1) The portion of the statewide attorney membership was calculated for each county;
- 2) That portion was then multiplied by the total number of attorney members that would be on the board after each election;
 - a. 2012- Twelve: Five by pre-redistricting districts, five by post-redistricting districts and two by Appellate Districts.
 - b. 2013- Nine: Five by post-redistricting districts and four by Appellate Districts.
- 3) These county-by-county numbers were then aggregated to calculate the ideal number of board members for each Appellate District;
- 4) For each continuing board member, each county was assigned a value equal to its fraction of attorney members who were eligible to vote for that board member. For example, Sacramento makes up 66.3% of the pre-redistricting district 2. Therefore Sacramento is given credit for being represented by 0.663 of a board member;
- 5) These county-by-county numbers were then aggregated to calculate the existing number of board members for each Appellate District;
- 6) The difference between the ideal and existing board members was then calculated for each Appellate District;
- 7) The two Appellate Districts with the biggest difference in 2012 were sequenced to vote in that year;
- 8) The process was repeated for 2013 for the four remaining Appellate districts.

The individual county numbers are shown in Appendix 1. The results are outlined below.

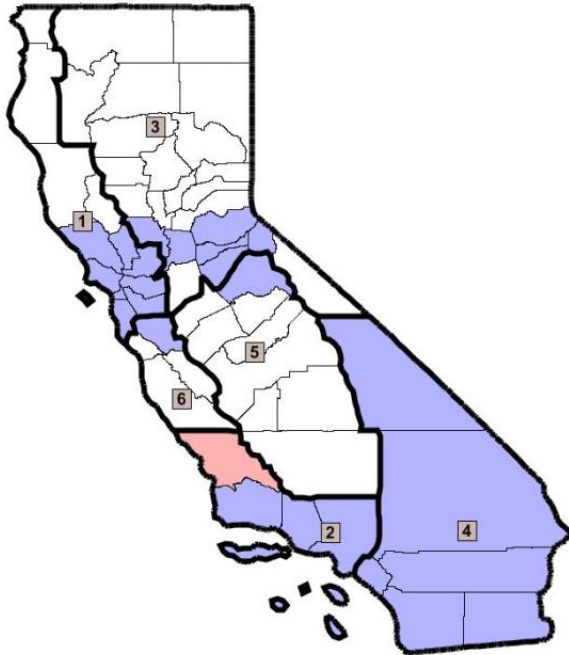
2012

For 2012, Districts 2 and 4 would each be approximately one board member short of their ideal. Thus each of these districts would receive one board member.

Appellate District	Ideal	Existing	Difference
1	2.915	2.861	0.054
2	4.222	3.219	1.003
3	0.95	0.76	0.19
4	2.738	1.781	0.957
5	0.321	0.007	0.314
6	0.853	1.372	-0.519
Total	12	10	2

Notably despite not receiving any board member, Appellate District 6 would be overrepresented. This is a result of the total number of district elected board members decreasing from 15 to 12. Also notably, Appellate District 5 would have virtually no elected representation. However it would not receive a board member due to its comparatively small size.

Finally it should be noted that while this model would achieve a greater degree of equal representation, it would leave significant gaps in minimum representation with large portions of northern and central California with no elected representation. This would leave 7% of attorney members without elected representation for the following year.



** Blue areas would already have representation on the Board. Red areas would add representation based on Appeals district elections. White areas would be left without elected representation.*

2013

For 2013, Districts 1 and 3 would each receive one board member. Notably, District 2 is actually further from the ideal than District 3. However, since District 2 already received a board member in 2012 it is not eligible.

Appellate District	Ideal	Existing	Difference
1	2.187	1	1.187
2	3.167	2.219	0.948
3	0.712	0	0.712
4	2.054	2.781	-0.727
5	0.241	0	0.241
6	0.64	1	-0.36
Total	9	7	2

Notably Appellate District 4 which would have been underrepresented in 2012 ends up being overrepresented in 2013. This is a result of the total number of district elected board members decreasing from 12 to 9. Also notably, Appellate District 5 now has no elected representation. However it would again not receive a board member due to its comparatively small size.

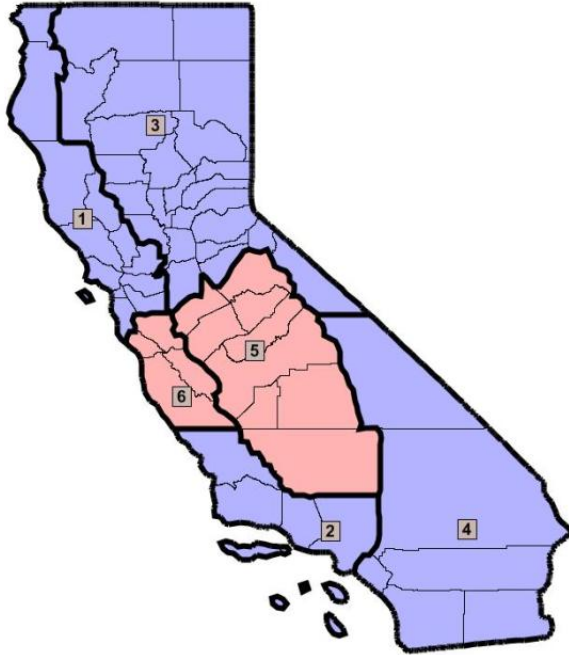
Finally it should be noted that while this model would achieve a greater degree of equal representation, it would leave significant gaps in minimum representation in central California. This would leave 4% of attorney members without elected representation for the following year.



** Blue areas would already have representation on the Board. Red areas would add representation based on Appeals district elections. White areas would be left without elected representation.*

2014

For 2014, Districts 5 and 6 would each receive one board member. Notably, regardless of what sequencing is selected, by the end of the process the board member from Appellate District 2 will have an electorate thirteen times larger than that from District 5.



** Blue areas would already have representation on the Board. Red areas would add representation based on Appeals district elections. White areas would be left without elected representation.*

Summary

This option also creates some geographic consistency to the election of board members, with southern areas electing first, followed by northern areas, and finally central areas.



** Blue areas would elect in 2012 and every three years thereafter. Red areas in 2013 and every three years thereafter. Yellow areas in 2014 and every three years thereafter.*

APPENDIX 1: COUNTY STATISTICS

County	Pre-Redistricting District	Post-Redistricting District	Appellate District	% of All Attorney Members	% of Pre-Redistricting District	% of Post-Redistricting District	% of Appellate District	Ideal Number of Boardmembers if Twelve Total	Ideal Number of Boardmembers if Nine Total
Alameda	3	3	1	4.6%	28.8%	62.9%	18.9%	0.551	0.414
Alpine	2	5	3	0.0%	0.0%	0.1%	0.0%	0.000	0.000
Amador	2	5	3	0.1%	0.7%	1.0%	0.7%	0.007	0.005
Butte	1	1	3	0.2%	11.8%	11.8%	3.1%	0.030	0.022
Calaveras	2	5	3	0.0%	0.6%	0.8%	0.6%	0.005	0.004
Colusa	1	1	3	0.0%	0.6%	0.6%	0.2%	0.002	0.001
Contra Costa	3	3	1	2.7%	17.0%	37.1%	11.2%	0.326	0.244
Del Norte	1	1	1	0.0%	1.2%	1.2%	0.1%	0.003	0.002
El Dorado	2	5	3	0.2%	3.2%	4.6%	3.0%	0.029	0.022
Fresno	5	5	5	1.2%	27.7%	23.0%	45.3%	0.146	0.109
Glenn	1	1	3	0.0%	0.6%	0.6%	0.2%	0.002	0.001
Humboldt	1	1	1	0.2%	8.4%	8.4%	0.7%	0.021	0.016
Imperial	9	9	4	0.1%	0.9%	0.7%	0.4%	0.011	0.008
Inyo	5	5	4	0.0%	0.6%	0.5%	0.1%	0.003	0.003
Kern	5	5	5	0.6%	13.2%	10.9%	21.5%	0.069	0.052
Kings	5	5	5	0.1%	1.4%	1.1%	2.2%	0.007	0.005
Lake	1	1	1	0.1%	3.0%	3.0%	0.3%	0.008	0.006
Lassen	1	1	3	0.0%	1.1%	1.1%	0.3%	0.003	0.002
Los Angeles	7	7	2	32.0%	100.0%	100.0%	90.8%	3.834	2.876
Madera	5	5	5	0.1%	1.6%	1.3%	2.6%	0.008	0.006
Marin	4	4	1	1.7%	13.7%	11.2%	6.8%	0.199	0.149
Mariposa	5	5	5	0.0%	0.4%	0.4%	0.7%	0.002	0.002
Mendocino	1	1	1	0.1%	7.1%	7.1%	0.6%	0.018	0.013
Merced	5	5	5	0.1%	2.6%	2.2%	4.3%	0.014	0.010
Modoc	1	1	3	0.0%	0.3%	0.3%	0.1%	0.001	0.000
Mono	5	5	3	0.0%	0.7%	0.6%	0.4%	0.004	0.003
Monterey	5	5	6	0.6%	14.2%	11.8%	8.7%	0.074	0.056
Napa	2	2	1	0.3%	4.0%	4.2%	1.2%	0.036	0.027
Nevada	1	1	3	0.2%	10.3%	10.3%	2.8%	0.026	0.020

County	Pre-Redistricting District	Post-Redistricting District	Appellate District	% of All Attorney Members	% of Pre-Redistricting District	% of Post-Redistricting District	% of Appellate District	Ideal Number of Boardmembers if Twelve Total	Ideal Number of Boardmembers if Nine Total
Orange	8	8	4	9.7%	100.0%	78.1%	42.7%	1.170	0.877
Placer	1	1	3	0.7%	32.4%	32.4%	8.6%	0.082	0.062
Plumas	1	1	3	0.0%	1.2%	1.2%	0.3%	0.003	0.002
Riverside	6	9	4	2.0%	30.5%	15.6%	8.9%	0.245	0.183
Sacramento	2	2	3	4.9%	66.3%	70.0%	62.5%	0.593	0.445
San Benito	5	5	6	0.0%	0.8%	0.7%	0.5%	0.004	0.003
San Bernardino	6	9	4	1.4%	21.1%	10.8%	6.2%	0.169	0.127
San Diego	9	9	4	9.5%	99.1%	72.9%	41.7%	1.141	0.856
San Francisco	4	4	1	10.5%	86.3%	70.5%	43.1%	1.256	0.942
San Joaquin	5	5	3	0.5%	11.9%	9.9%	6.6%	0.063	0.047
San Luis Obispo	6	5	2	0.5%	7.4%	9.4%	1.4%	0.059	0.044
San Mateo	3	4	1	2.7%	17.0%	18.3%	11.2%	0.325	0.244
Santa Barbara	6	8	2	1.0%	14.7%	7.9%	2.8%	0.118	0.088
Santa Clara	3	6	6	5.9%	37.2%	100.0%	83.5%	0.712	0.534
Santa Cruz	5	5	6	0.5%	11.8%	9.8%	7.3%	0.062	0.046
Shasta	1	1	3	0.2%	11.0%	11.0%	2.9%	0.028	0.021
Sierra	1	1	3	0.0%	0.1%	0.1%	0.0%	0.000	0.000
Siskiyou	1	1	3	0.1%	2.6%	2.6%	0.7%	0.007	0.005
Solano	2	2	1	0.3%	4.6%	4.9%	1.4%	0.042	0.031
Sonoma	2	2	1	1.1%	14.7%	15.5%	4.5%	0.131	0.098
Stanislaus	5	5	5	0.3%	7.6%	6.3%	12.4%	0.040	0.030
Sutter	1	1	3	0.1%	3.2%	3.2%	0.9%	0.008	0.006
Tehama	1	1	3	0.0%	1.9%	1.9%	0.5%	0.005	0.004
Trinity	1	1	3	0.0%	0.7%	0.7%	0.2%	0.002	0.001
Tulare	5	5	5	0.2%	5.5%	4.6%	9.0%	0.029	0.022
Tuolumne	2	5	5	0.1%	0.7%	1.0%	2.1%	0.007	0.005
Ventura	6	8	2	1.8%	26.3%	14.1%	5.0%	0.211	0.158
Yolo	2	2	3	0.4%	5.1%	5.4%	4.8%	0.045	0.034
Yuba	1	1	3	0.1%	2.6%	2.6%	0.7%	0.007	0.005