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January 31, 2000

Hon. Bill Lockyer
Attorney General
1300 I Street, 17th Floor
Sacramento, California 95814

Attention: Ms. Diane Calkins
Initiative Coordinator

Dear Attorney General Lockyer:

Pursuant to Elections Code Section 9005, we have reviewed the proposed initiative constitutional amendment cited as the "Let the Voters Decide—Part B, Fair Election Districts" (File No. SA 1999 RF 0071). This measure would amend the California Constitution to change the way boundaries of districts for the state Legislature (Assembly and Senate), Board of Equalization (BOE), and the U.S. House of Representatives from California are determined.

Background. The California Constitution requires the Legislature to adjust the boundary lines of the Assembly and Senate, U.S. House of Representatives, and BOE districts every ten years, following the federal census. This process is known as "reapportionment" or "redistricting." The primary purpose of reapportionment is to establish districts which are nearly equal in population.

Typically, reapportionment plans are included in legislation and become law after passage of the bill by the Legislature and signature by the Governor. In the past, when the Legislature and Governor have been unable to agree on reapportionment plans, the California Supreme Court has taken responsibility for reapportionment.

Proposal. This measure amends the California Constitution to require that a three-member panel of "special masters" appointed by the Judicial Council, rather than the Legislature, develop reapportionment plans. The measure requires that the panel of special masters be composed of retired federal and/or state judges who have never held partisan political office. The panel would have to hold public hearings with respect to the plans.

The measure specifies that the Legislature shall make funding available from the Legislature's budget (which is limited under the State Constitution) to support the work of the special masters, including employment of counsel, independent experts in the field of reapportionment, and computer technology.

The measure specifies that after preparation of its final plans, the panel shall petition the California Supreme Court to review the plans for compliance with the State Constitution. If the plans are in compliance, the Secretary of State shall use the plans in the next state primary and general elections. If they are not in compliance, the court shall order the panel to make adjustments to the plans. Any elector may petition the court and present evidence that the plan does not comply with the Constitution and may propose an alternative plan for the court's consideration. The court could order that the alternative plan be used in the next state primary and general election.

After a reapportionment plan is adopted, the Secretary of State would have to place the plan on the ballot for the voters to consider. If the voters approve the plan, it shall be used until the next reapportionment is required. If the voters reject the plan, a new plan shall be prepared pursuant to the provisions of the measure.

Fiscal Effect. Because the measure requires that the Legislature make funds available from its own budget to support the work of the special masters, and because the Legislature's budget is limited under the Constitution, the measure would probably not result in any additional costs to the state to develop the plans.

Because the measure requires the voters to consider the plans at the next election, it could result in costs to the state and counties to place the plans on the ballot. The costs to the state would probably be in the range of about \$2 million, primarily because of the expense of including the plans in the statewide voter pamphlet. The costs to the counties generally would be minor.

Summary. This measure would result in elections-related costs to the state in the range of about \$2 million and probably minor costs to counties.

Sincerely,

Elizabeth G. Hill
Legislative Analyst

B. Timothy Gage
Director of Finance