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February 15, 2000

Hon. Bill Lockyer  
Attorney General  
1300 I Street, 17<sup>th</sup> 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 "Fair Representation Act of 2000" (File No. SA 2000 RF 0005).

**Background.** The California Constitution requires the Legislature to adjust the boundaries of districts for the state Legislature (Assembly and Senate), State Board of Equalization, and U.S. House of Representatives from California, 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 of 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. For example, following the 1990 census, the Legislature and Governor were unable to agree on reap-

portionment plans, so the California Supreme Court developed the plans which have been used in all elections after November 1990.

**Proposal.** This measure amends the California Constitution to establish a new 17-member California Redistricting Commission which would be responsible for developing reapportionment plans, rather than the Legislature.

The measure prescribes the appointment and qualifications for the members of the commission. The commission's reapportionment plans would be submitted to the California Supreme Court for review to determine whether they comply with the State Constitution. If the court finds that the plans comply, they would be deemed adopted. If the court finds that the plans do not comply, the commission would have to make adjustments to the plans.

The measure specifies that the Legislature shall make funding available from the Legislature's budget (which is limited under the Constitution) for the commission to pay for counsel, independent experts in the field of reapportionment, computer technology, and other necessary personnel.

**Fiscal Effect.** Because the measure requires that the Legislature make funds available from its own budget for personnel and computer technology for the commission, and because the Legislature's budget is limited under the Constitution, the measure would probably not result in any additional costs related to these activities. However, to the extent that the commission incurs other costs, such as travel and expenses for members of the commission, the state could incur unknown, but probably not major, additional costs.

Sincerely,

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Elizabeth G. Hill  
Legislative Analyst

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B. Timothy Gage  
Director of Finance