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March 27, 2001

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

Attention: Ms. Tricia Knight
Initiative Coordinator

Dear Attorney General Lockyer:

Pursuant to Elections Code Section 9005, we have reviewed the proposed initiative constitutional amendment cited as "Let the Voters Decide" (File No. SA2001RF0007). 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 panel of special masters would be composed of retired federal and/or state judges who have never held partisan political

office. The measure would require the panel to receive evidence and arguments with respect to the reapportionment plans in public hearings.

The measure permits any elector to petition the court and present evidence that the plan does not comply with the Constitution and to 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.

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

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. The measure requires that the Legislature make funds available from its own budget to support the work of the special masters. 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.

The measure requires the voters to consider the reapportionment plans at the first available election. This could result in costs to the state and counties to place the plans on the ballot. The costs to the state of including the plans in the statewide voter pamphlet would probably be in the range of about \$2.2 million. 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 \$2.2 million and probably minor costs to counties.

Sincerely,

Elizabeth G. Hill
Legislative Analyst

B. Timothy Gage
Director of Finance