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December 11, 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. SA2001RF0035, Amdt. #1-S). This measure would amend the State 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 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 that are nearly equal in population. In accordance with the Constitution, the Legislature and Governor recently enacted legislation that established new districts, which became effective in September.

Proposal. This measure would amend the Constitution to require the Legislature to redraw the newly created districts to be used in the 2004 elections. This would have to be done within 90 days of the adoption of the measure. The measure requires that the

maximum possible number of districts be drawn so that the percentage of votes cast for the winning candidate for Governor in the last gubernatorial election in a district is within 3 percent, plus or minus, of the percentage of votes cast statewide for the winning candidate for Governor.

The measure permits any elector to petition the Supreme Court and present evidence that a reapportionment 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 court is also authorized to appoint Special Masters to assist in carrying out these duties.

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 the Legislature to make funding available from the Legislature's budget as necessary to meet the requirements of the measure, including the cost of placing any future redistricting plan on the ballot for the voters to consider. Because the Legislature's budget is limited under the Constitution, the measure would probably not result in any additional costs to the state.

Summary. This measure would probably not result in any additional costs to the state or counties.

Sincerely,

Elizabeth Hill
Legislative Analyst

B. Timothy Gage
Director of Finance