

December 16, 2003

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 the "Redistricting Reform: The Voter Empowerment Act of 2004" (File No. SA2003RF0056, Amendment #1-S).

Background

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

Typically, redistricting 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 redistricting plans, the California Supreme Court ended up performing the redistricting.

Major Provisions

This measure amends the California Constitution to change the way boundaries of districts for the state Legislature, BOE, and the U.S. House of Representatives from California are determined.

"Special Masters" Panel. This measure requires that a three-member panel of special masters appointed by the Judicial Council develop redistricting plans. The measure requires that the panel 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. A panel would be required to develop a redistricting plan for use in 2006 and then following each future federal census.

Funding. The measure specifies that the Legislature must 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 redistricting, and computer technology. For past redistricting efforts, some costs have been paid for outside of the Legislature's budget.

Requirements of District Boundaries. The measure adds new requirements regarding the drawing of district boundaries. Among these requirements are: (1) for state offices, population differences among districts cannot exceed 1 percent; (2) the BOE districts must be comprised of adjacent legislative districts; and (3) districts cannot generally cross county boundaries more than once.

Approval Process. Once the special masters unanimously approve a redistricting plan, the measure requires that the panel present the plan to the Legislature. If the Legislature and then the Governor approve the plan (without substantive amendment), the new boundaries would go into effect for the next election. If the Legislature did not enact new boundaries by 180 days prior to the first primary election to be held with the adjusted boundaries, the panel's plan would be used for the next primary and general election.

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

Fiscal Effect

Special Master Panel Costs. Under existing law, the next redistricting plan would not be developed until after the 2010 federal census. The measure, however, requires that a redistricting plan be developed for use in 2006 (with subsequent plans on the same schedule as existing law). This additional redistricting plan for 2006 would result in one-time state costs, which could potentially total several million dollars. For future redistricting costs (after 2010), the measure's requirements would probably not significantly change the amount of funds spent on redistricting.

Shift of Costs to Within Legislature's Budget. Redistricting costs under the measure would be required to come from within the Legislature's budget. The measure, therefore, would shift some costs from outside of the Legislature's budget to within the Legislature's budget. Since the Legislature's budget is limited under the Constitution, increased spending on redistricting from within the Legislature's budget would result

in a commensurate reduction in spending on other legislative activities. Any shift in redistricting costs from outside to within the Legislature's budget could also reduce overall state spending.

Election Costs. Because the measure requires the redistricting plans to be approved by voters, it would result in costs to the state and counties each time a plan was placed on the ballot. These costs primarily would be related to preparing and mailing election-related materials. Since the approval of the plans could be consolidated with existing elections, the increased costs of the measure would probably be minor.

Summary. This measure would have the following major fiscal impact:

- One-time state redistricting costs, potentially totaling several million dollars.

Sincerely,

Elizabeth G. Hill
Legislative Analyst

Donna Arduin
Director of Finance