

November 12, 2004

Hon. Bill Lockyer  
Attorney General  
1300 I Street, 17<sup>th</sup> 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 related to redistricting (File No. SA2004RF0031).

## 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 performed 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 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 be selected by legislative leadership from a list of nominations prepared by the Judicial Council. 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 following the measure's approval 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 and independent experts in the field of redistricting and computer technology. Funding for the special masters would be limited to one-half of the amount spent by the Legislature on redistricting in 2001 (adjusted for inflation).

*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) the plan must minimize the splitting of counties and cities into multiple districts. In addition, when drawing boundaries, the panel could not consider information related to political party affiliations and other specified matters.

*Approval Process.* Once the special masters unanimously approve a redistricting plan, the plan would be used for the next primary and general election. The Secretary of State would place the plan on the general election 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 Allowable Costs.* While the precise amount spent by the Legislature in 2001 on redistricting is not currently available, past redistricting efforts have tended to total several million dollars in costs. This measure would limit future redistricting efforts to costs equaling half of the amount spent in 2001, adjusted for inflation. The exact amount allowable under the measure, therefore, would need to be determined, but it would probably total a few million dollars for each redistricting effort.

*One-Time 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 at the next primary election following the measure's approval (likely the 2008 primary). This additional redistricting plan would result in one-time state costs, which probably would total a few million dollars. These costs would be accommodated within the Legislature's existing spending limit.

*Future Savings.* The preparation of future redistricting plans (after 2010) under the measure would be on the same schedule as existing law. Due to the measure's limit on redistricting costs, there would probably be state savings—totaling a few million dollars—for each redistricting effort. (If, however, voters rejected any redistricting plan, there would be some additional costs for a new plan to be developed.) These savings would be accommodated within the Legislature's existing spending limits.

*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, probably totaling a few million dollars, with comparable savings for each redistricting effort after 2010 (once every ten years). These costs and savings would be accommodated within the Legislature's existing spending limit.

Sincerely,

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Elizabeth G. Hill  
Legislative Analyst

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Michael C. Genest  
Interim Director of Finance