

February 10, 2005

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 related to redistricting (File No. SA2005RF0005).

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.

Panel for State Office Districts

“Special Masters” Panel for State Offices. This measure requires that a four-member panel of special masters develop redistricting plans for state offices (legislative and BOE districts). 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 qualified judges prepared by the Judicial

Council. The panel would have to hold public hearings with respect to the plans and allow the Legislature to comment on them. A panel would be required to unanimously approve a redistricting plan for use following the measure's approval and then following each future federal census. The Legislature would be responsible for redistricting for state offices if the special panel did not unanimously adopt a plan.

Legislative Plan for Federal Offices. For the redistricting of federal offices (U.S. House of Representatives districts), the Legislature would be responsible for determining the districts, as is the case under current law. Unlike with the state office districts, the Legislature would not develop new districts under the measure until after the next 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). In the case of the plan adopted immediately upon the measure's approval, funding would come from the General Fund.

Requirements of District Boundaries

For redistricting plans developed by both the panel and the Legislature, 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 2 percent; (2) the plan must not dilute the voting strength of minorities; and (3) the plan must minimize the splitting of counties and cities into multiple districts.

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, the Legislature would be responsible for the redistricting. For any redistricting plan developed by the Legislature (either state and federal offices), the plan would not be subject to voter approval.

Fiscal Effect

Special Masters 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 by a special panel 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 for state offices be developed by a special panel for use at the next primary election following the measure's approval. This additional redistricting plan would result in one-time state costs, which probably would total a few million dollars.

Future Redistricting Plans. The preparation of future redistricting plans (after 2010) under the measure would be on the same schedule as existing law. The costs of a special panel's work under the measure would be limited to a few million dollars for each redistricting effort. In addition, the Legislature would be responsible for developing a redistricting plan for the U.S. House of Representatives. The measure does not limit the amount of spending by the Legislature. The amount spent by the Legislature would likely be lower than in the past (since fewer districts would need to be determined). The combined costs of the special panel and the Legislature would likely be similar to past redistricting efforts. In any case, these costs would be accommodated within the Legislature's existing spending limits.

Election Costs. Because the measure requires the redistricting plans by a special panel 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.

Sincerely,

Elizabeth G. Hill
Legislative Analyst

Tom Campbell
Director of Finance