

February 24, 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. SA2005RF0035).

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 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 state offices for use following the measure's approval. Following each future federal census, a panel would develop a redistricting plan for both state and federal offices.

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.

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.

Fiscal Effect

Special Master Panel Costs. Under the measure, redistricting efforts would be performed by a special panel rather than the Legislature. Like under current law, the costs would be paid from the Legislature's budget. Past redistricting efforts have tended to total several million dollars in costs. The costs of redistricting by a special panel would likely be similar to past redistricting efforts. Any savings or costs would be accommodated within the Legislature's existing spending limit.

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 upon passage of the measure. Since the plan would exclude federal offices, it would likely cost less to develop than typical redistricting efforts. These one-time costs could total a few million dollars. These costs would be accommodated within the Legislature's existing spending limit.

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

- One-time state redistricting costs, probably totaling a few million dollars. These costs would be accommodated within the Legislature's existing spending limit.

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Sincerely,

Elizabeth G. Hill
Legislative Analyst

Tom Campbell
Director of Finance