

February 9, 2006

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 constitutional initiative related to redistricting (File No. SA2006RF0004).

Background

Every ten years, the federal census counts the number of people living in California. The California Constitution requires the Legislature after each census to adjust the boundaries of the districts used to elect public officials. This process is called “redistricting” (or sometimes “reapportionment”). The primary purpose of redistricting is to establish districts which are “reasonably equal” in population. Redistricting affects districts for the state Legislature (Assembly and Senate), Board of Equalization (BOE), and the U.S. House of Representatives.

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 oversaw the redistricting.

Proposal

This measure amends the California Constitution to change the redistricting process for the state Legislature, BOE, and California members of the U.S. House of Representatives.

Commission of Registered Voters. This measure requires that an 11-member commission of California registered voters develop redistricting plans. The measure requires that a voter meet a number of criteria in order to be eligible to serve on the commission. For instance, in the prior ten years, a commission member could not have been or have a family member who was: a candidate for public office, an elected official, an employee of a candidate or elected official, or a paid lobbyist.

In order to select the commission members, the Secretary of State (SOS) would send a notice to a random sample of voters who voted in the prior two elections. From those voters willing to serve on the commission and meeting the requirements, the SOS would randomly choose 200 voters. From the 200 voters, each of four legislative leaders could strike up to 20 names. From the remaining names, the SOS would randomly select 11 commission members. Of the 11 members, four members must be registered with each of the state's two largest political parties. The remaining three members could not be registered with either of these two parties. Commission members would be compensated \$250 per day worked plus expenses. Upon formation, the commission would hire a nonvoting staff person to serve as chair of the commission and provide redistricting advice and assistance.

Requirements of District Boundaries. The measure adds new requirements regarding the drawing of district boundaries. Among these requirements are:

- For the Legislature and BOE, population differences among districts could not exceed 2 percent.
- Senate districts must be comprised of two adjacent Assembly districts and BOE districts must be comprised of ten adjacent Senate districts.
- The plan must minimize the splitting of counties and cities into multiple districts.
- After meeting the other requirements, the plan would also aim to maximize the number of "competitive" districts. The commission would develop its own criteria to define competitiveness.

Schedule. As under current law, the commission would be required to develop a redistricting plan following each future federal census, beginning with the 2010 census.

Approval Process. In developing and approving a plan, the commission would have to hold a minimum of 17 public hearings and could receive suggested plans from the public. Once the commission approves a redistricting plan (with a vote of support from at least nine members), the SOS 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, another commission would be appointed to prepare a new plan.

Funding. The measure specifies that the Legislature must make funding available from the Legislature's budget (which is limited under the California Constitution) to support the work of the commission. This could include employment of legal and other experts in the field of redistricting and computer technology. Funding for the commission would be limited to a maximum of one-half of the amount spent by the Legislature on redistricting in 2001 (adjusted for inflation).

Fiscal Effects

Commission Allowable Costs. The Legislature spent about \$3 million in 2001 on redistricting. This measure would limit commission costs for future redistricting efforts to one-half of this amount, adjusted for inflation. Therefore, the amount allowable under the measure for each future commission would be about \$1.5 million, adjusted for inflation.

Impact on Future Redistricting Costs. The preparation of future redistricting plans under the measure would be on the same schedule as existing law. Due to the measure's limit on a commission's redistricting costs, there could be a reduction in the total amount the state spent for each redistricting effort. Any such savings would be available for other legislative expenses under the existing cap. If, however, voters rejected any redistricting plan, there would be additional state costs for a new plan to be developed. Thus, the net impact on future redistricting costs in any decade would depend on decisions by voters.

Other Costs. The SOS would incur added costs to develop, mail, and review the required surveys to potential commission members. In addition, 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. As the approval of the plans would be consolidated with existing elections, these costs would probably be minor.

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

- Potential reduction in costs for each future redistricting effort, but net impact would depend on decisions by voters.

Sincerely,

Elizabeth G. Hill
Legislative Analyst

Michael C. Genest
Director of Finance