

December 10, 2007

Hon. Edmund G. Brown Jr.
Attorney General
1300 I Street, 17th Floor
Sacramento, California 95814

Attention: Ms. Krystal Paris
Initiative Coordinator

Dear Attorney General Brown:

Pursuant to Elections Code Section 9005, we have reviewed the proposed constitutional initiative related to redistricting (A.G. File No. 07-0078).

BACKGROUND

The State Constitution requires that the Legislature adjust the boundary lines of U.S. House of Representatives districts, legislative districts, and Board of Equalization (BOE) 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.

MAJOR PROVISIONS

This measure amends the Constitution and state laws to change the way boundaries of districts for the U.S. House of Representatives, the state Legislature (Assembly and Senate), and BOE are determined.

U.S. House of Representatives Districts

This measure imposes certain guidelines regarding the Legislature’s drawing of districts for the U.S. House of Representatives. In drawing these districts, the Legislature would be required to (1) not consider political parties, incumbents, or political candidates in relation to “communities of interest” and (2) encourage geographical compactness. The measure also requires that the Legislature provide public access to data and maps and solicit public comment on its proposals.

Legislative and BOE Districts

For legislative and BOE districts, the measure transfers redistricting responsibilities from the Legislature to a Citizens Redistricting Commission.

Selection of Members. The commission's members would be comprised of 14 registered voters. The selection of members would be coordinated by the State Auditor through a newly created Applicant Review Panel of three independent auditors. The panel would accept applications from registered voters and screen the applications for qualifications and to avoid conflicts of interest. After the panel selects 60 recommended applicants, the leaders of the Senate and Assembly could strike a specified number of applicants from this pool. Then, the State Auditor would randomly draw eight names. These eight members would appoint the final six members from the remaining pool of names. The composition of the 14 members would have to be 5 members each from registrations with the state's two largest political parties and 4 members from other registrations.

Requirements of District Boundaries. The commission would be required to adopt district boundaries that adhered to a number of requirements, including:

- Maintaining entire cities, counties, neighborhoods, and communities of interest in single districts to the extent possible.
- Maintaining geographical compactness of districts.
- Disregarding consideration of political parties, incumbents, or political candidates.

Approval Process. In developing a plan, the commission would have to hold public hearings and allow for public comment. The commission must approve a redistricting plan with at least ten affirmative votes, with at least three votes each from members (1) registered with the largest political party, (2) registered with the second largest political party, and (3) representing all other voter registrations. The approval of the plan would be subject to the state's referendum process. A registered voter could also challenge the constitutionality of a redistricting plan before the state Supreme Court.

Funding. Commission members would be compensated at a rate of \$300 per day, plus reimbursed expenses. The measure specifies that the Legislature must provide each decade a three-year appropriation for the commission totaling the greater of \$3 million or the amount appropriated in the previous redistricting cycle (adjusted for inflation). These funds could be used to hire staff, lawyers, and consultants.

FISCAL EFFECT

The Legislature spent about \$3 million in 2001 from its own budget (which is limited under the Constitution) to adjust boundaries for all districts. Under this measure, the Legislature would continue to incur expenses to perform redistricting for U.S. House of Representatives districts. In addition, this measure authorizes funding (outside of the Legislature's budget) for redistricting efforts related to legislative and BOE districts to be performed by a citizens commission. Having two entities perform redistricting could tend to increase overall redistricting expenditures. Any increase in future redistricting costs probably would not be significant.

Summary. The measure would have the following fiscal effect:

- Probably no significant increase in state redistricting costs.

Sincerely,

Elizabeth G. Hill
Legislative Analyst

Michael C. Genest
Director of Finance