

December 20, 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 measure related to redistricting (A.G. File No. 07-0083).

Background

Every ten years, the federal census counts the number of people living in California. The State 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.

Major Provisions

This measure amends the State Constitution to change the redistricting process for the state Legislature, BOE, and California Members of the U.S. House of Representatives. Instead of the Legislature, an 11-member commission would adjust district boundaries every ten years.

Commission of Voters. The measure establishes a commission comprised of eligible voters to perform redistricting after each federal census. The commission would be comprised of 11 registered voters—four members each from the state’s two largest political parties and three members from other party or decline-to-state voters. The measure establishes a process for the Secretary of State to determine the members of the commission. The process would begin with 160,000 randomly selected voters from across the state and eventually reduce that number to 11 members (and 11 alternatives) through a combination of voter information forms, random selections, and legislative leadership input. The selected members would have to meet a number of requirements, including not being employed (or have a family member employed) in certain capacities (for example, as a lobbyist or elected official).

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

- Senate districts must be comprised of two Assembly districts, and BOE districts must be comprised of ten Senate districts.
- The plan must minimize the splitting of counties, cities, and “communities of interest” into multiple districts.
- When drawing boundaries, the commission could not consider information related to political party affiliations and other specified matters, except as required by federal law.

Approval Process. In developing a plan, the commission would have to hold public hearings and could receive suggested plans and comments from the public. The commission could approve a new redistricting plan with a majority vote. The majority vote, however, would be required to include two affirmative votes from voters representing each of the two largest political parties and two votes from the other members.

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 new redistricting process. This could include employment of legal and other experts in the field of redistricting. In addition, members of the commission would receive a payment of \$300 per day of commission work, as well as be eligible for reimbursement of expenses. Funding for the new redistricting process would be limited to a maximum of 90 percent of the amount spent by the Legislature on redistricting in 2001 (adjusted for inflation).

Fiscal Effect

The Legislature spent about \$3 million in 2001 on redistricting. This measure would limit future redistricting costs to 90 percent of this amount, adjusted for inflation. Due to this limit, the measure could slightly reduce future redistricting costs by a few hundred thousand dollars every ten years. (This assumes the Legislature, under current law, would spend about the same amount for future redistricting efforts as was spent in 2001.) Any such savings would be available for other legislative expenses under the existing cap.

Summary. This measure would have the following fiscal impact:

- Potential reduction in redistricting expenses of a few hundred thousand dollars every ten years.

Sincerely,

Elizabeth G. Hill
Legislative Analyst

Michael C. Genest
Director of Finance