

December 13, 2011

Hon. Kamala D. Harris  
Attorney General  
1300 I Street, 17<sup>th</sup> Floor  
Sacramento, California 95814

Attention: Ms. Dawn McFarland  
Initiative Coordinator

Dear Attorney General Harris:

Pursuant to Elections Code Section 9005, we have reviewed the proposed constitutional initiative regarding the Legislature (A.G. File No. 11-0069).

## **Background**

***Composition and Funding of Legislature.*** The California Legislature has 120 members—80 in the Assembly and 40 in the Senate. The State Constitution requires candidates for these offices to be eligible to vote, residents of their districts for 12 months, and residents of California for three years. Proposition 140 (1990) established an annual cap on spending in support of the Legislature (for expenses such as legislator and staff salaries and other operating costs). This cap increases annually based on growth in the state's economy and population.

***Gender Discrimination.*** Various provisions in the United States and State Constitutions prohibit the enactment of laws that discriminate or provide preferential treatment based on gender.

## **Proposal**

The measure amends the State Constitution to require that each Assembly and Senate district have two representatives: one male and one female. Under the measure, the California Legislature would have a total of 240 members.

## **Fiscal Effect**

If the measure is implemented as proposed, counties likely would experience increased costs to hold elections for 120 additional legislators. These additional costs are not known, but could be in the range of millions of dollars every two years. Total funding for legislative operations, in contrast, would not be affected due to the spending cap established by Proposition 140.

***Fiscal Summary.*** The measure would have the following fiscal impact:

- Potential increase in county election costs in the range of millions of dollars every two years.

Sincerely,

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Mac Taylor  
Legislative Analyst

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Ana J. Matosantos  
Director of Finance