



October 8, 2019

Hon. Xavier Becerra
Attorney General
1300 I Street, 17th Floor
Sacramento, California 95814

Attention: Ms. Anabel Renteria
Initiative Coordinator

Dear Attorney General Becerra:

Pursuant to Elections Code Section 9005, we have reviewed the proposed constitutional initiative regarding a nonpartisan, unicameral, state Legislature (A.G. File No. 19-0012).

Background

Composition and Funding of Legislature. The California Legislature has 120 members—80 in the Assembly and 40 in the Senate. Because the Legislature has two houses, it is called a “bicameral” Legislature. The State Constitution requires candidates for these offices to be eligible to vote, residents of their districts for the past 12 months, and residents of California for the past 3 years. A legislator need not be affiliated with a political party; however, all of the current Members of the Legislature are registered as a member of either the Republican or Democratic party. Proposition 140 (1990) established term limits for legislators and set an annual cap on the amount of money that may be spent to support the Legislature’s operations (for example, legislator and staff salaries, travel, and communications). This cap changes annually based on growth in the state’s economy and population. Proposition 28 (2012) limited the number of years that legislators first elected after 2012 may serve in the Legislature to no more than 12 years. In 2019-20, the Legislature’s budget is \$335 million.

The two houses of the Legislature meet at the State Capitol in Sacramento. The Capitol Complex includes the Senate and Assembly chambers, offices for Members and their staff, offices for the Governor and his staff, hearing rooms, and visitor spaces. Infrastructure and maintenance costs for the Capitol are excluded from the legislative spending cap. In addition to offices in the Capitol Complex, legislators maintain offices located in their districts. The costs to maintain these district offices are subject to the legislative spending cap.

Top Two Open Primary System. Proposition 14 (2010) established a top two open primary system in California for state elected offices, Members of the U.S. House of Representatives, and U.S. Senators. Under this system, elections for statewide office occur in two phases. During the first phase—the primary election—voters select their top choice candidate from any number of contenders, who all appear on a single, combined ballot regardless of party affiliation. The ballot

identifies each candidate's party affiliation and occupation. The two candidates who receive the most votes in the primary election, regardless of their party affiliation, advance to phase two: the general election. During the general election, voters choose between these two candidates to determine who will be elected to the office.

District Boundaries. Every ten years, following the decennial U.S. Census, the State Constitution requires the Citizens Redistricting Commission to establish new district boundaries for the U.S. Congress, State Assembly, State Senate, and State Board of Equalization. The commission consists of 14 members representing both major political parties as well as voters registered with no party preference. For the 2020 redistricting cycle, the state budgeted over \$16 million for the commission's work.

County Elections Responsibilities. California counties administer elections—including special elections called by the Governor. County elections officials prepare and distribute county voter information guides, provide places for voting, maintain voter registration records, print ballots for all registered voters, tabulate votes, and transmit election results to the Secretary of State. Total county costs to administer elections are estimated to be in the range of the low- to mid-hundreds of millions of dollars annually; however, the cost per county varies widely depending on the population and size of the county, the number of candidates, and how the election is conducted, among other factors.

Secretary of State Elections Responsibilities. Among other duties, the Secretary of State is the state's chief elections officer and oversees a variety of elements related to elections, campaigns, and lobbying in California. For example, the Secretary of State certifies voting equipment that may be used, maintains the statewide voter registration database, certifies official lists of candidates, compiles election returns and certifies results, and promotes voter registration and participation. The Secretary of State also prepares, prints, and mails to voters the statewide voter information guide. The guide provides information about federal and statewide candidates and statewide ballot measures. The Secretary of State typically spends around \$14 million for a statewide election.

Proposal

The measure amends the State Constitution to change the composition of the Legislature starting in 2022. Specifically, the measure (1) reconstitutes the state's bicameral Legislature as a nonpartisan "unicameral" body and (2) increases the number of legislators and legislative districts.

Creates Nonpartisan, Unicameral Legislature. In place of the Senate and Assembly, the measure establishes a single legislative body. A Legislature that consists of one house is called a unicameral Legislature. The measure also specifies that Members of the Legislature would not have a political affiliation. The measure establishes four-year terms for all legislators, with half the Members being elected every two years. All legislators would be subject to overall term limits of 12 years.

Increases Number of Legislators. The number of Members in the unicameral Legislature would depend on the population of California, based on the decennial census. The measure directs that each legislative district would include 80,000 to 100,000 Californians and each district would be represented by one legislator. If the 2020 census determines California's population to be around 40 million people, the Legislature initially could include up to 500 members. Every ten years, the number of state legislators would be updated to reflect population changes, according to the decennial census. The Citizens Redistricting Commission would draw the new legislative district boundaries.

Fiscal Effect

No Change to Legislative Spending. The measure does not make changes to the constitutional provision capping total legislative spending. As a result, legislative spending under the measure would not change. However, legislative spending per Member would be significantly less than it is currently, given the increased number of legislators.

One-Time Capitol Construction Spending. If the Legislature chooses to expand the Capitol Complex to accommodate the increased number of legislators, the state could incur significant one-time construction costs and some additional spending for ongoing building maintenance. Specifically, if legislators were provided similar office space as today, construction costs could reach hundreds of millions of dollars. If other facilities—like hearing rooms—also were expanded to accommodate the larger Legislature, construction costs would be higher.

Increased Costs Incurred by Citizens Redistricting Commission. Every ten years, the Citizens Redistricting Commission would expend additional funds beyond what is currently budgeted—likely in the millions of dollars—to examine and adjust hundreds of legislative district boundaries based on decennial census results.

Increased Costs Incurred by Secretary of State. The Secretary of State's costs to oversee elections depend largely on the number of candidates participating. Given the increased number of legislative seats, the Secretary of State's costs could increase by several millions of dollars annually.

Increased County Costs. Similar to the Secretary of State's costs, counties' costs to administer elections depend in large part on the number of elections and candidates. With significantly more legislative districts and candidates, counties' costs could increase by up to the low tens of millions of dollars annually. In addition, with more legislators there likely would be more turnover mid-session, requiring counties to administer more special elections.

Summary of Fiscal Impacts. The measure would have the following fiscal effects:

- One-time costs of hundreds of millions of dollars to expand the State Capitol in Sacramento, with ongoing increased building maintenance costs of a few million dollars annually.
- Increased state costs of millions of dollars per year to oversee elections.

- Increased county costs of up to the low tens of millions of dollars annually to administer elections.
- Increased state costs of millions of dollars for the Citizen Redistricting Commission each decade.

Sincerely,

Gabriel Petek
Legislative Analyst

Keely Martin Bosler
Director of Finance