

ELIMINATES STATE COMMISSION ON REDISTRICTING. CONSOLIDATES AUTHORITY FOR REDISTRICTING WITH ELECTED REPRESENTATIVES. INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE.

OFFICIAL TITLE AND SUMMARY

PREPARED BY THE ATTORNEY GENERAL

ELIMINATES STATE COMMISSION ON REDISTRICTING. CONSOLIDATES AUTHORITY FOR REDISTRICTING WITH ELECTED REPRESENTATIVES. INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE.

- Eliminates 14-member redistricting commission selected from applicant pool picked by government auditors.
- Consolidates authority for establishing state Assembly, Senate, and Board of Equalization district boundaries with elected state representatives responsible for drawing congressional districts.
- Reduces budget, and imposes limit on amount Legislature may spend, for redistricting.
- Provides that voters will have the authority to reject district boundary maps approved by the Legislature.
- Requires populations of all districts for the same office to be exactly the same.

Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:

- Possible reduction of state redistricting costs of around \$1 million over the next year.
- Likely reduction of state redistricting costs of a few million dollars once every ten years beginning in 2020.

ANALYSIS BY THE LEGISLATIVE ANALYST

This measure returns the responsibility to determine district boundaries of state offices back to the Legislature. Under this measure, the commission recently established by voters to determine these district boundaries would be eliminated.

BACKGROUND

In a process known as “redistricting,” the State Constitution requires that the state adjust the boundary lines of districts once every ten years following the federal census for the State Assembly, State Senate, State Board of Equalization (BOE), and California’s congressional districts for the U.S. House of Representatives. To comply with federal law, redistricting must establish districts which are roughly equal in population.

Recent Changes to State Legislature and BOE Redistricting. In the past, district boundaries for all of the offices listed above were determined in bills that became law after they were approved by the Legislature and signed by the Governor. On some occasions, when the Legislature and the Governor were unable to agree on redistricting plans, the California Supreme Court performed the redistricting.

In November 2008, voters passed Proposition 11, which created the Citizens Redistricting Commission to establish new district boundaries for the State Assembly, State Senate, and BOE beginning after the 2010 census. To be established once every ten years, the commission will consist of 14 registered voters—5 Democrats, 5 Republicans, and 4 others—who apply for the position and are chosen according to specified rules.

When the commission sets district boundaries, it must meet the requirements of federal law and other requirements, such as not favoring or discriminating against political parties, incumbents, or political candidates. In addition, the commission is required, to the extent possible, to adopt district boundaries that:

- Maintain the geographic integrity of any city, county, neighborhood, and “community of interest” in a single district. (The commission is responsible for defining “communities of interest” for its redistricting activities.)
- Develop geographically compact districts.
- Place two Assembly districts together within one Senate district and place ten Senate districts together within one BOE district.

Current Congressional Redistricting Process. Currently, California is entitled to 53 of the 435 seats in the U.S. House of Representatives. Proposition 11 did not change the redistricting process for these 53 congressional seats. Currently, therefore, redistricting plans for congressional seats are included in bills that are approved by the Legislature.

Proposition 11, however, did make some changes to the requirements that the Legislature must meet in drawing congressional districts. The Legislature—like the commission—now must attempt to draw geographically compact districts and maintain geographic integrity of localities, neighborhoods, and communities of interest, as defined by the Legislature. Proposition 11, however, does not prohibit the Legislature from favoring or discriminating against political parties, incumbents, or political candidates when drawing congressional districts.

PROPOSAL

This measure amends the Constitution and other state laws to change the way that district boundaries are determined for the State Assembly, State Senate, BOE, and California’s seats in the U.S. House of Representatives.

Legislative and BOE Redistricting Returns to Legislature. This measure returns authority to draw district boundaries for the State Assembly, State Senate, and BOE to the Legislature. The responsibility to determine congressional districts would remain with the Legislature. Under this measure, therefore, district boundaries for all of these congressional and state offices would be determined in bills passed by the Legislature. The Citizens Redistricting Commission that was created by Proposition 11 would be eliminated. As a result, the process currently underway for appointing members of that commission would end, and the Legislature would undertake the redistricting resulting from the 2010 and future censuses.

New Requirements for Redistricting Boundaries and Process. Proposition 27 creates certain requirements for district boundaries. Under this measure, the population of each district would be almost equal with other districts for the same office (with a difference in population of no greater than one person). This measure further requires the Legislature to hold hearings before and after district boundary maps are created, as well as provide the public access to certain redistricting data.

Deletes Some Existing Requirements. This measure also deletes some existing rules on what must be considered during the redistricting process, such as requirements related to:

- Not favoring or discriminating against political parties, incumbents, or political candidates.
- Developing geographically compact districts.
- Placing two Assembly districts together within one Senate district and placing ten Senate districts together within one BOE district.

Two Redistricting-Related Measures on This Ballot. In addition to this measure, another measure on the November 2010 ballot—Proposition 20—concerns redistricting issues. Key provisions of these two propositions, as well as current law, are summarized in Figure 1. If both of these measures are approved by voters, the proposition receiving the greater number of “yes” votes would be the only one to go into effect.

FISCAL EFFECTS

Redistricting Costs Prior to Proposition 11 and Under Current Law. The Legislature spent about \$3 million in 2001 from its own budget specifically for redistricting activities, such as the purchase of specialized redistricting software and equipment. In addition to these costs, some regular legislative staff members, facilities, and equipment (which are used to support other day-to-day activities of the Legislature) were used temporarily for redistricting efforts.

In 2009, under the Proposition 11 process, the Legislature approved \$3 million from the state’s General Fund for redistricting activities related to the 2010 census. In addition, about \$3 million has been spent from another state fund to support the application and selection process for commission members. For future redistricting efforts, Proposition 11 requires the commission process to be funded at least at the prior decade’s level, grown for inflation. The Legislature currently funds congressional redistricting activities within its budget.

Figure 1

Comparing Key Provisions of Current Law and November 2010 Propositions on the Drawing of Political Districts

| | Current Law | Proposition 20 | Proposition 27 |
|---|--|--|-------------------------------|
| Entity that draws State Assembly, State Senate, and Board of Equalization (BOE) districts | Citizens Redistricting Commission ^a | Citizens Redistricting Commission | Legislature |
| Entity that draws California’s congressional districts | Legislature | Citizens Redistricting Commission | Legislature |
| Definition of a “community of interest” ^b | Defined by Citizens Redistricting Commission/Legislature | “A contiguous population which shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation” | Determined by the Legislature |

^a The commission was established by Proposition 11 of 2008.

^b Under current law and both Proposition 20 and Proposition 27, redistricting entities generally are charged with attempting to hold together a “community of interest” within a district.

Redistricting Costs Under This Proposal. This measure forbids the Legislature from spending more than \$2.5 million for redistricting activities once every ten years. This spending limit would be adjusted every ten years for inflation. There would be no future costs for the Citizens Redistricting Commission process. In total, these changes likely would reduce state redistricting costs by a few million dollars for the redistricting process once every ten years beginning in 2020.

The savings would be smaller for the redistricting process related to the 2010 census because some funds will already have been spent on Proposition 11's Citizens Redistricting Commission process by the time of the election. The savings from this measure over the next year could be around \$1 million.