

REDISTRICTING. INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE.

- Changes authority for establishing Assembly, Senate, and Board of Equalization district boundaries from elected representatives to 14 member commission.
- Requires government auditors to select 60 registered voters from applicant pool. Permits legislative leaders to reduce pool, then the auditors pick eight commission members by lottery, and those commissioners pick six additional members for 14 total.
- Requires commission of five Democrats, five Republicans and four of neither party. Commission shall hire lawyers and consultants as needed.
- For approval, district boundaries need votes from three Democratic commissioners, three Republican commissioners and three commissioners from neither party.

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

- Potential increase in state redistricting costs once every ten years due to two entities performing redistricting. Any increase in costs probably would not be significant.

ANALYSIS BY THE LEGISLATIVE ANALYST

BACKGROUND

Every ten years, the federal census counts the number of people living in California. The California Constitution requires the Legislature after each census to adjust the boundaries of the districts used to elect public officials. This process is called “redistricting.” Redistricting affects districts for the state Legislature (Assembly and Senate), State Board of Equalization (BOE), and the U.S. House of Representatives. 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.

PROPOSAL

This measure amends the California Constitution to change the redistricting process for the state Legislature, BOE, and California members of the U.S. House of Representatives, beginning with the 2010 census.

U.S. House of Representatives Districts

The measure maintains the Legislature’s role in drawing districts for the U.S. House of Representatives. The measure imposes additional requirements that the Legislature must consider when drawing these districts. Among the new requirements is that the Legislature maintain neighborhoods and “communities of interest” within one district to the extent possible. (The term communities of interest is not defined by the measure.) Figure 1 compares the requirements under the measure and current law.

Legislative and BOE Districts

The measure shifts the responsibility for developing redistricting plans for legislative and BOE districts from the Legislature to a new Citizens Redistricting Commission. The measure imposes a number of requirements for the selection of commissioners and their drawing of district boundaries, as described below.

	Proposition 11		
	Current Law For All Districts	U.S. House of Representatives Districts	Legislative and Board of Equalization Districts
Develop reasonably equal populations of districts	X	X	X
Comply with federal Voting Rights Act	X	X	X
Minimize the splitting of counties and cities into multiple districts ^a	X	X	X
Maintain “communities of interest” and neighborhoods ^a	—	X	X
Develop geographically compact districts ^a	—	X	X
Comprise Senate districts of two adjacent Assembly districts and BOE districts of ten adjacent Senate districts ^a	—	—	X
Do not favor or discriminate against political incumbents, candidates, or parties	—	—	X

^a To the extent possible without conflicting with other criteria.

Selection of Commissioners. The measure establishes a process to select the 14 members to serve on the commission. Figure 2 summarizes this process. A registered voter in the state could apply to be a commissioner. The State Auditor, however, would remove applicants from the pool based on various conflicts of interest. For instance, applicants—or an immediate relative—in the past ten years could not have:

ANALYSIS BY THE LEGISLATIVE ANALYST

CONTINUED

- Been a political candidate for state or federal office.
- Been a lobbyist.
- Contributed \$2,000 or more in any year to a political candidate.

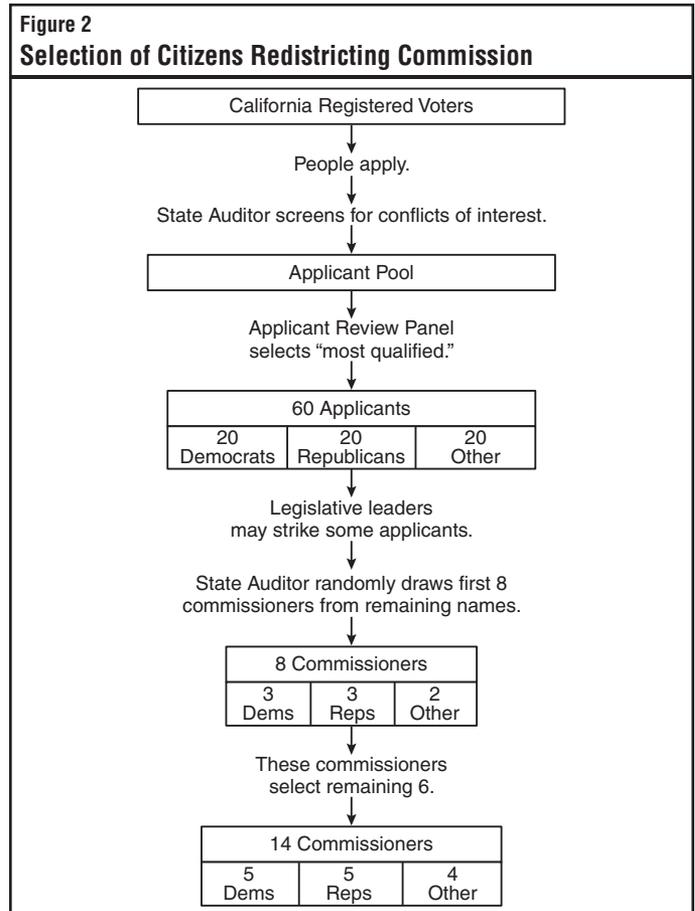
In addition, applicants could not have changed their political party affiliation in the past five years. Applicants also must have voted in at least two of the last three general elections.

An Applicant Review Panel, comprised of three auditors employed by the state, would narrow the applicants down to 60. The panel would pick the most qualified applicants based on analytic skill, impartiality, and appreciation of California’s diversity. The leaders of the Legislature could strike up to 24 of these names. From the remaining names, the State Auditor would then randomly draw the first eight commissioners. These eight commissioners would select the final six commissioners. The commission would have five members registered with each of the state’s two largest political parties (Democrat and Republican) and four members registered with other parties or as independent voters.

Requirements of District Boundaries. The measure adds new requirements regarding the drawing of district boundaries by the commission for legislative and BOE districts. These requirements are similar to the measure’s new requirements for U.S. House of Representatives districts, as shown in Figure 1. For legislative and BOE districts, the measure also forbids the commission from drawing districts for the purpose of favoring or discriminating against political incumbents, candidates, or parties.

Approval Process. In developing a plan, the commission would have to hold public hearings and accept public comment. To approve a redistricting plan, the commission would need at least nine yes votes, including at least three yes votes each from members registered with the two largest political parties and three yes votes from the other members. Once the commission approved a redistricting plan, it would be used for the next decade. The process would be repeated every ten years, with a new 14-member commission for each future redistricting.

Funding. Commission members would receive \$300 per day, plus reimbursed expenses, in return for their work on the commission. The measure specifies that the Governor and Legislature must make funding available in the state budget to support the selection of the commission, its work, and related costs. Funding would be established at the greater of \$3 million or the amount spent in the previous redistricting cycle,



adjusted for inflation. (The Legislature spent about \$3 million in 2001 from its own budget, which is limited under the California Constitution, to adjust boundaries for all districts.) These funds could be used to establish the application review process, communicate with the public, compensate commissioners, and employ legal and other experts in the field of redistricting.

FISCAL EFFECTS

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 the citizens commission. We estimate that the minimum amount required for 2010 would be about \$4 million (the 2001 amount spent on redistricting adjusted for estimated inflation through 2010). Having two entities—the Legislature and the commission—perform redistricting could tend to increase overall redistricting expenditures. Any increase in such redistricting costs, however, probably would not be significant.