

October 8, 2009

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 amendment related to establishment of congressional districts (A.G. File No. 09-0027).

BACKGROUND

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

Current Congressional Redistricting Process. Currently, California is entitled to 53 of the 435 seats in the U.S. House of Representatives. Typically, redistricting plans for congressional seats are included in bills that become law after approval by the Legislature and the Governor.

Recently Amended Redistricting Process. In November 2008, voters passed Proposition 11, which created the Citizens Redistricting Commission (commission) to establish new district boundaries for the State Assembly and the State Senate, as well as BOE, beginning after the 2010 census. The commission is prohibited from drawing districts in order to favor or discriminate against a particular incumbent, political candidate, or political party. Further, the commission is to consider the “geographic integrity of any city, county, city and county, neighborhood, or community of interest” in redrawing district boundaries.

MAJOR PROVISIONS

Proposed New Method for Congressional Redistricting. This measure amends the State Constitution to change the redistricting process for California’s districts in the

U.S. House of Representatives. Specifically, the measure removes the authority for congressional seat redistricting from the Legislature and instead grants this authority to the Citizens Redistricting Commission. The commission would draw congressional districts essentially as they draw other district lines under Proposition 11. The commission for example, could not draw congressional districts in order to favor incumbents, political candidates, or political parties. The commission also is to consider the geographic integrity of cities, counties, neighborhoods, and communities of interest. As under Proposition 11, compliance with the federal Voting Rights Act would be required.

“Communities of Interest” Defined. In addition to adding similar criteria for congressional redistricting as those established in Proposition 11, the measure defines “communities of interest” for both congressional redistricting and redistricting of State Assembly, State Senate, and BOE seats. A community of interest is defined as “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.”

FISCAL EFFECT

No Significant Change in State Redistricting Costs. The Legislature spent about \$3 million in 2001 from its own budget for all redistricting activities. Proposition 11 already requires that the legislative and BOE redistricting process it established—including the Citizens Redistricting Commission—be funded for its activities at roughly this amount (as adjusted for inflation). The Legislature currently would fund the congressional redistricting activities within its constitutionally limited budget. Having a single entity perform all redistricting activities may decrease overall redistricting expenditures. On the other hand, in some cases, the procedures required for the commission to draw congressional districts could be more costly than current legislative practices. Any change in future redistricting costs probably would not be significant.

Summary. The measure would have the following fiscal effect:

- Probably no significant change in state redistricting costs.

Sincerely,

Mac Taylor
Legislative Analyst

Michael C. Genest
Director of Finance