

March 10, 2010

Hon. Edmund G. Brown Jr.  
Attorney General  
1300 I Street, 17<sup>th</sup> 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. 10-0007).

## **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 for State Offices.* 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 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 commission. The measure states that the commission will approve congressional redistricting maps every ten years beginning in 2021 (following the 2020 census). The commission would draw congressional districts essentially as it draws 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 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.* Under Proposition 11, the state already must make available around \$4 million for the redistricting process for all legislative and BOE districts following the 2010 census (an amount that would grow with inflation in future years). The Legislature appropriated \$3 million for this purpose in the 2009-10 state budget. The Governor has proposed an additional \$3 million for these redistricting efforts in his proposed 2010-11 budget—apparently on the assumption that redistricting costs will be significantly higher than the amount already provided by the Legislature. In addition, under current law, the Legislature will incur expenses to redistrict the boundaries of California's seats in the U.S. House of Representatives. The Legislature currently would fund the congressional redistricting activities within its constitutionally limited budget.

Having a single entity perform all redistricting activities beginning after the 2020 census may decrease overall redistricting expenditures. On the other hand, in some cases, the procedures required to establish the commission every decade and 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,

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Mac Taylor  
Legislative Analyst

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Ana J. Matosantos  
Director of Finance