

Proposition 40

Redistricting. State Senate Districts. Referendum.

Background

California Legislature: Senate and Assembly. California is divided into 40 state Senate districts, with one Senator representing each Senate district. California also is divided into 80 state Assembly districts, with one Assembly Member representing each Assembly district. The State Constitution requires each Senate and Assembly district to contain approximately the same number of residents as other Senate and Assembly districts.

Determining District Boundaries. Every ten years, after the federal census counts the number of people living in California, the boundary lines of the Senate, Assembly, Board of Equalization, and Congressional districts are adjusted. Prior to 2008, the Legislature was responsible for adjusting these district boundaries. In 2008 and 2010, the state's voters approved Propositions 11 and 20, respectively, transferring the responsibility for determining these district boundaries to a new Citizens Redistricting Commission.

Citizens Redistricting Commission. The Constitution requires that the commission have 14 members, comprised of three groups of registered voters—5 who are registered with the largest political party in the state, 5 who are registered with the second largest political party in the state, and 4 who are not registered with either of these parties. The nearby boxes summarize (1) the process used to select commissioners and (2) the criteria the Constitution requires commissioners to consider when determining district boundaries. Actions by the commission to adopt (or “certify”) district boundaries require the approval of nine commissioners, including at least three “yes” votes from each of the three groups of commissioners.

Referendum. The Constitution allows voters to challenge district maps certified by the commission through the referendum process. In order to qualify a referendum for the ballot, proponents must submit petitions signed by a specified number of registered voters. A challenged map goes into effect if it is approved by a majority of the state's voters. If a referendum is rejected by the state's voters, the district map does not go into effect and the California Supreme Court oversees development of a new map.

Certified District Maps. In August 2011, the commission certified a set of maps establishing the boundaries for the Senate, Assembly, Board of Equalization, and Congressional districts. In November 2011, proponents submitted signatures in support of a referendum of the certified Senate district maps. Proponents petitioned the California Supreme Court to determine which maps would be used in the June primary and November general elections if the referendum qualified for the ballot. The court found that the certified Senate district maps "appear to comply with all of the constitutionally mandated criteria set forth in the California Constitution," and ruled that they were to be used in the June 2012 primary election and November 2012 general election.

The Process for Selecting Citizens Redistricting Commissioners

Every ten years, 14 commissioners are selected pursuant to this three-step process:

- ***Developing the Applicant Pool.*** Any registered California voter may apply. The State Auditor removes applicants from the pool if they have certain conflicts of interest, changed their political party affiliation during the past five years, or did not vote in at least two of the last three general elections.
- ***Narrowing the Applicant Pool.*** After reviewing applicants' analytical skills, impartiality, and appreciation of California's diversity, three state auditors select the 60 most qualified applicants. Legislative leaders then may strike up to 24 names from the applicant pool.
- ***Selecting Commissioners.*** From the remaining applicants, the State Auditor randomly draws the names of the first eight commissioners. These commissioners then select the final six commissioners from the narrowed applicant pool.

Key Constitutional Criteria for Drawing Districts

When drawing new district maps, the State Constitution specifies that the commission may not consider political parties, incumbents, or political candidates. To the extent possible, the Constitution requires the commission to establish districts that meet the following criteria (listed in priority order):

1. Are reasonably equal in population.
2. Comply with the federal Voting Rights Act.
3. Are geographically contiguous.
4. Minimize the division of any city, county, city and county, local neighborhood, or local community of interest.
5. Are geographically compact.
6. Comprise Senate districts of two whole, complete, and adjacent Assembly districts.

Proposal

This referendum allows the voters to approve or reject the Senate district boundaries certified by the Citizens Redistricting Commission. (The Assembly, Board of Equalization, and Congressional district boundaries certified by the commission are *not* subject to the referendum.) Copies of the certified Senate district maps are included in the back of this voter information guide. A “yes” vote would approve these districts and a “no” vote would reject them.

If Voters Vote "Yes." The Senate district boundaries certified by the commission would be used until the commission establishes new boundaries based on the 2020 federal census.

If Voters Vote "No." The California Supreme Court would appoint "special masters" to establish new Senate district boundaries in accordance with the redistricting criteria specified in the Constitution. (In the past, the court has appointed retired judges to serve as special masters.) The court would certify the new Senate district boundaries. The new boundaries would be used in future elections until the commission establishes new boundaries based on the 2020 federal census.

Fiscal Effects

If the voters vote "yes" and approve the Senate district maps certified by the commission, there would be no effect on state or local governments.

If the voters vote "no" and reject the Senate district maps certified by the commission, the California Supreme Court would appoint special masters to establish new Senate district boundaries. This would result in a one-time cost to the state of about **\$500,000**. In addition, counties would incur one-time costs of about **\$500,000** statewide to develop new precinct maps and related election materials for the districts.

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Yes/No Statement

A **YES** vote on this measure means: The state Senate district boundaries certified by the Citizens Redistricting Commission would continue to be used.

A **NO** vote on this measure means: The California Supreme Court would appoint special masters to determine new state Senate district boundaries.