

February 5, 2010

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 and statutory amendment related to redistricting (A.G. File No. 09-0107).

BACKGROUND

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

U.S. House of Representatives Districts

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.

Legislative and BOE Districts

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.

Requirements of District Boundaries. In addition to meeting the requirements of federal law, the commission is required to adopt district boundaries that adhere to a number of requirements to the extent possible, including:

- Maintaining entire cities, counties, neighborhoods, and “communities of interest” in single districts.

- Maintaining geographical compactness of districts.
- “Nesting” two Assembly districts together within one Senate district and nesting ten senate districts together within one BOE district.
- Not favoring or discriminating against political parties, incumbents, or political candidates.

Funding. Current law requires that the Legislature approve for each redistricting process a three-year appropriation totaling at least the greater of \$3 million or the amount appropriated in the previous redistricting cycle (adjusted for inflation). For the redistricting cycle following the 2010 census, for example, this minimum amount would be around \$4 million. This funding covers various costs of the commission, as well as the State Auditor’s costs to solicit and review applications from members of the public to serve on the commission.

MAJOR PROVISIONS

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

Legislative and BOE Redistricting Returns to Legislature. This measure returns redistricting responsibilities for the State Assembly, State Senate, and BOE to the Legislature, as it had been prior to Proposition 11. This measure eliminates the Citizens Redistricting Commission. California’s districts for the U.S. House of Representatives would continue to be the responsibility of the Legislature, but would be subject to the different requirements described below. (If this measure qualifies for and is approved at the November 2010 statewide ballot, the new process under this measure would replace Proposition 11’s process beginning with the redistricting following the 2010 census.)

New Requirements for Redistricting Boundaries and Process. The proposed measure creates certain requirements for district boundaries. Under this measure, the population of all districts would be equal with other districts for the same office (with a variation in population 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 data.

Deleting Some Existing Requirements. This measure also deletes some existing constitutional and statutory requirements related to what can be considered when drawing boundaries:

- Drawing boundaries that encourage geographical compactness.
- Trying to nest districts.
- Not favoring or discriminating against an incumbent, political candidate, or political party.

Funding. This measure specifies that the Legislature's redistricting costs may be no more than \$2.5 million or the amount spent for redistricting during the prior redistricting process, whichever is less, in a three-year period every ten years (adjusted for inflation).

FISCAL EFFECT

Under current law, as discussed above, the state 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 in later years). The Legislature appropriated a combined \$3 million for this purpose in the 2009-10 state budget. The Governor has proposed an additional \$3 million for redistricting efforts in his proposed 2010-11 budget. (The Governor's proposal, therefore, appears to assume that redistricting costs of the commission and/or the State Auditor 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.

Under this measure, the Legislature could spend no more than \$2.5 million for *all* redistricting activities during the specified multiyear time period each decade. This provision likely would reduce redistricting costs by several million dollars every ten years. (Assuming this measure is approved at the November 2010 ballot, the savings could be somewhat less for the redistricting process related to the 2010 census because some funds will have been spent by the time of the election through the redistricting process that is already underway pursuant to Proposition 11.)

Summary. The measure would have the following fiscal effect.

- Likely decrease in state redistricting costs totaling several million dollars every ten years.

Sincerely,

Mac Taylor
Legislative Analyst

Ana J. Matosantos
Director of Finance