

2008

## PROPOSITION 11 REDISTRICTING.

Follow this and additional works at: [http://repository.uchastings.edu/ca\\_ballot\\_props](http://repository.uchastings.edu/ca_ballot_props)

---

### Recommended Citation

PROPOSITION 11 REDISTRICTING. California Proposition 11 (2008).  
[http://repository.uchastings.edu/ca\\_ballot\\_props/1291](http://repository.uchastings.edu/ca_ballot_props/1291)

This Proposition is brought to you for free and open access by the California Ballot Propositions and Initiatives at UC Hastings Scholarship Repository. It has been accepted for inclusion in Propositions by an authorized administrator of UC Hastings Scholarship Repository. For more information, please contact [marcusc@uchastings.edu](mailto:marcusc@uchastings.edu).

**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 <sup>a</sup>	X	X	X
Maintain “communities of interest” and neighborhoods <sup>a</sup>	—	X	X
Develop geographically compact districts <sup>a</sup>	—	X	X
Comprise Senate districts of two adjacent Assembly districts and BOE districts of ten adjacent Senate districts <sup>a</sup>	—	—	X
Do not favor or discriminate against political incumbents, candidates, or parties	—	—	X

<sup>a</sup> 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.

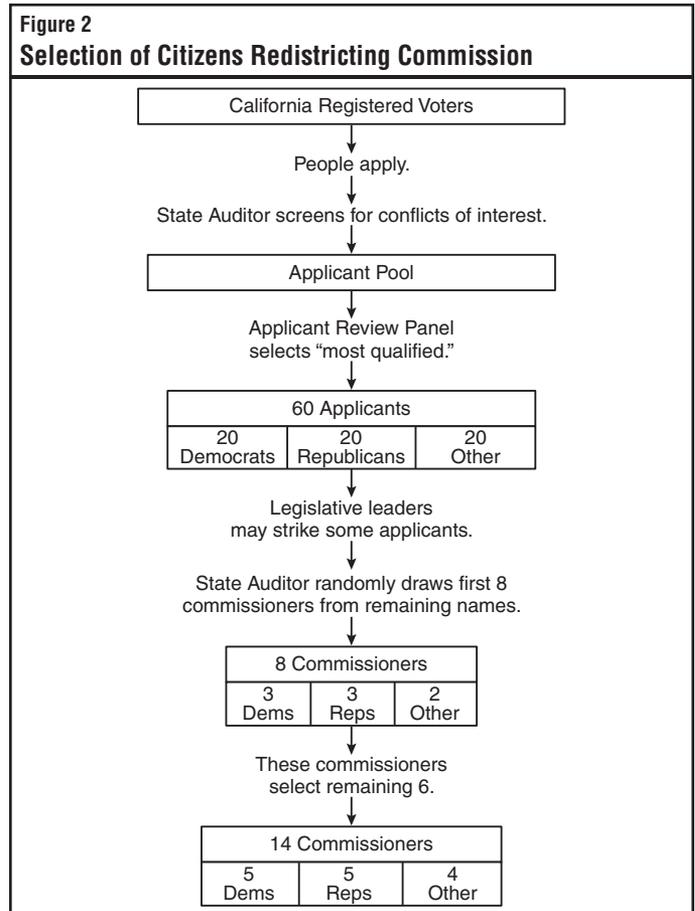
In addition, applicants could not have changed their political party affiliation in the past five years. Applicants also must have voted in at least two of the last three general elections.

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.

★ ARGUMENT IN FAVOR OF PROPOSITION 11 ★

*THE POLITICIANS WANT TO CONFUSE VOTERS, BUT THE CHOICE IS SIMPLE: Bipartisan Groups Urge You to Vote YES on Prop. 11, FOR CHANGE in Sacramento.*

Good government, senior, consumer, business, and taxpayer organizations are asking you to vote YES on Prop. 11 (note some of the signers of this ballot argument).

*The Politicians Oppose Change and Want You to Vote NO.*

On the NO side of this measure are politicians, political insiders, and political party elites who will do or say almost anything to stop change and protect the status quo.

**YES ON PROP. 11: CHANGE IN SACRAMENTO**

There is a serious conflict of interest when legislators are allowed to draw their own district boundaries. They divide up neighborhoods and communities to create districts where they are virtually guaranteed reelection.

Once elected, these politicians aren't accountable to voters because they don't have to earn our votes. Instead, they pay more attention to the special interests.

*"The current system where politicians draw their own districts is rigged to make sure they get reelected. Prop. 11 will put voters back in charge and make it easier to vote them out of office if they're not doing their job." — Pete Constant, Retired San Jose Police Officer*  
**YES ON PROP. 11: PUT VOTERS IN CHARGE**

Prop. 11 will end this conflict of interest by establishing an independent citizens commission to draw districts so that they are fair. Standards required by this measure will assure that districts are drawn so they don't divide neighborhoods and communities.

The commission will include Democrats, Republicans, and independents, and the process will be open to the public. This will assure a balanced, inclusive process that produces fair districts.

*"If legislators don't have to compete to get reelected, they have no accountability to voters. That means they don't have to work*

*together to solve problems like education, health care, roads, crime, and the state budget. Prop. 11 will keep politicians tuned-in to voter needs." — Jodi Serrano, Public School Teacher, Sacramento*

**YES ON PROP. 11: HOLD THE POLITICIANS ACCOUNTABLE**

Many of the problems we face in California are a direct result of politicians not being accountable to voters. When they draw their own districts, we end up with gridlock and nothing gets done.

*"It's time to send the politicians a message and change Sacramento. That's why I'm voting YES on Prop. 11."*

*— Mike Holley, Owner, Apogee Publications, Whittier*

Proposition 11 will help end the gridlock and force the politicians to start solving problems. If they don't, we can vote them out of office because they'll have to run in fair districts.

*"Democrats, Republicans, independents, and people from every walk of life and every corner of the state support Prop. 11 to send a strong message to politicians that it's time to quit playing games and work together to get California back on track." — Eligio Nava, President, Central California Hispanic Chamber of Commerce*

**PLEASE JOIN US IN VOTING YES ON PROP. 11.**

*Check it out for yourself: [YesOnProp11.org](http://YesOnProp11.org)*

**JANIS R. HIROHAMA**, President  
League of Women Voters of California

**TERESA CASAZZA**, President  
California Taxpayers' Association

**JEANNINE ENGLISH**, President  
AARP California

★ REBUTTAL TO ARGUMENT IN FAVOR OF PROPOSITION 11 ★

**WHAT THE POLITICIANS WON'T TELL YOU ABOUT PROP. 11**

They're selling Prop. 11 as a cure-all—and hoping you won't check the label.

**THEY WON'T TELL YOU WHAT PROP. 11 IS REALLY ABOUT.**

Their high-priced consultants hope you won't read their 4,500-word initiative. If you do, you'll see Prop. 11 for what it is: a scheme to change the Constitution and give the power of drawing districts to people who are NEVER ELECTED and NEVER ACCOUNTABLE.

**THEY WON'T TELL YOU HOW PROP. 11 WORKS.**

They never explain why Prop. 11 guarantees members of the two political parties more say than the rest of us. They won't explain how bureaucrats and politicians decided who's in charge.

**THEY WON'T TELL YOU WHAT PROP. 11 WILL COST.**

Prop. 11 creates a new bureaucracy to draw districts—on top of the people we already pay for the job. They will spend millions of dollars—and no audits to account for their money.

**THEY WON'T TELL YOU WHAT THEY REALLY WANT.**

The politicians backing Prop. 11 have taken more contributions from special interests than any politicians in California history. But they don't trust voters to elect the right people—so they're trying to change the rules to help themselves.

**BEFORE YOU VOTE**

Ask yourself: What's this about? How would it really work? How much will this cost? *And most important of all—who's really behind this, and what do they really want?*

Read Prop. 11 for yourself. And vote NO.

*[www.NoOnProp11.org](http://www.NoOnProp11.org)*

**HENRY L. "HANK" LACAYO**, State President  
Congress of California Seniors

**MIKE JIMENEZ**, State President  
California Correctional Peace Officers Association

**MARTIN HITTELMAN**, President  
California Federation of Teachers

★ ARGUMENT AGAINST PROPOSITION 11 ★

Faced with *real problems*—budget deficits, rising gas prices, and a shaky economy—what do the politicians bring us? Prop. 11—another nonsensical scheme to change how we draw lines between one district and another. *What are they thinking?*

Redistricting may not mean much to you, but for some politicians, it's all they care about. Five times, they've spent millions on lawyers, consultants, and paid signature gatherers to put a new scheme on the ballot. *Every time, voters said "NO."*

The forces behind Prop. 11 don't respect California's voters, so they're back again.

What do they REALLY want? *Power for themselves, at your expense.* They know redistricting is about power. They want to rewrite our Constitution to suit themselves.

**PROP. 11 UNDERMINES DEMOCRACY**

Prop. 11 gives the final say for the entire state to a 14-member "redistricting commission" never elected by the people. *You don't get a choice.* There's no guarantee they'll represent you or your neighbors. That's why community organizations oppose Prop. 11.

Prop. 11 sets aside 10 of the 14 commission seats for *partisan members* of the two biggest political parties—and gives them *veto power over almost every decision.* If the big party representatives don't go along—*nothing gets done.*

What does that mean? Political insiders will keep carving up the state to serve their own interests.

**PROP. 11 GIVES POWER TO BUREAUCRATS**

Prop. 11 doesn't keep politicians out of redistricting—it just lets them hide behind a tangled web of bureaucrats picked for their political ties. It actually *takes state auditors off the job of rooting out government waste* to spend time screening commission applications.

Who picks the commission? Bureaucrats. They decide who's qualified. And then the four most powerful legislators can reject anyone they want. *That's reform?*

**PROP. 11 MEANS TWO BUREAUCRACIES INSTEAD OF ONE**

Prop. 11 only gives this new commission *half the job.* It leaves the other half—drawing Congressional districts—to the state Legislature.

So Prop. 11 means *paying for two of everything:* two sets of attorneys, two teams of consultants, working out of two different offices—with neither one working together or sharing resources.

**PROP. 11 PROVIDES NO ACCOUNTABILITY TO TAXPAYERS**

Prop. 11 guarantees each commission member \$300 a day, plus expenses, with *no limit.* There's also *no limit* on how many attorneys, consultants, and staff the commission hires, or how much it spends for offices, hearings, and outreach. *And there's nothing requiring auditors to examine the commission's spending for waste and abuse.*

**PROP. 11 AN EMPTY PROMISE**

Read it yourself. It makes big promises, but *never delivers.* Voters get no say over who draws districts. Instead, we get *a new bureaucracy with no accountability and no spending limits.*

Prop. 11 really means a lot of political insiders *keep their power*—a few get *even more*—and *the rest of us get less.*

That's not reform—that's a hidden agenda that does nothing to address the real problems facing our state. Visit [www.noonprop11.org](http://www.noonprop11.org)—and vote NO!

**DANIEL H. LOWENSTEIN**, Former Chair  
Fair Political Practices Commission

**ROBERT BALGENORTH**, President  
State Building & Construction Trades Council of California

**MARTIN HITTELMAN**, President  
California Federation of Teachers

★ REBUTTAL TO ARGUMENT AGAINST PROPOSITION 11 ★

**YES on 11—STOP THE POLITICIANS' CONFLICT OF INTEREST.**

YES on 11 ends the conflict of interest of politicians drawing their own election districts.

It means fair election districts drawn by citizens, not politicians, so we can *hold them accountable and throw them out of office if they aren't doing their jobs.*

A "no" vote means politicians continue drawing their own districts and more gridlock in Sacramento.

**POLITICIANS ARE BEHIND THE MISLEADING "NO" CAMPAIGN.**

Here's what newspapers say:

" . . . Senate President Pro Tem Don Perata, D-Oakland, is leading a campaign of deception against it. His committee is called "Citizens for Accountability—No on the Power Grab," which is ironic because its obvious purpose is to preserve incumbents' stranglehold on power."

*San Jose Mercury News, 7-7-08*

" . . . he's [Perata] working to kill reform—just as he always has, on issue after issue, year after year."

*San Diego Union Tribune, 7-7-08*

**YES on 11—PUTS VOTERS FIRST.**

YES on 11 creates a diverse, qualified, independent commission that will draw fair districts that truly respect California's communities and neighborhoods *for the first time.*

**YES on 11—IT'S TIME FOR CHANGE.**

YES on 11 *sends a message to politicians that voters have had enough, and it's time for change.* Proposition 11 will put voters back in charge and force politicians to work together to *solve real problems like healthcare, education, water, the budget, and the high cost of food and gas.*

Democrats, Republicans, independents, and community groups support Proposition 11. YES on 11.

**KATHAY FENG**, Executive Director  
California Common Cause

**JOSEPH V. KERR**, President  
Orange County Professional Firefighters Association

**GARY TOEBBEN**, President  
Los Angeles Area Chamber of Commerce

# QUICK-REFERENCE GUIDE

PROP REDISTRICTING. INITIATIVE CONSTITUTIONAL  
**11** AMENDMENT AND STATUTE.

## SUMMARY

*Put on the Ballot by Petition Signatures*

Changes authority for establishing state office boundaries from elected representatives to commission. Establishes multilevel process to select commissioners from registered voter pool. Commission comprised of Democrats, Republicans, and representatives of neither party. 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.

## WHAT YOUR VOTE MEANS

**YES** A YES vote on this measure means: Boundaries for State Senate, Assembly, and Board of Equalization districts would be drawn by a new commission made up of California registered voters. Boundaries for U.S. House of Representatives districts would continue to be drawn by the Legislature.

**NO** A NO vote on this measure means: Boundaries for State Senate, Assembly, Board of Equalization, and U.S. House of Representatives districts would continue to be drawn by the Legislature.

## ARGUMENTS

**PRO** YES on 11 ends the conflict of interest of politicians drawing their own election districts. 11 means *fair districts drawn by a citizens commission following clear rules and open to the public*. It holds *politicians accountable for solving problems like gas prices, healthcare, and education*. Yes on 11—CHANGE Sacramento.

**CON** Politicians paid millions to put Prop. 11 on the ballot to change the Constitution, create a costly new bureaucracy, and give the power of drawing districts to people who are *never elected* and *never accountable to voters*. Read it yourself. Preserve the power of your vote! Vote No!

## FOR ADDITIONAL INFORMATION

**FOR**  
Yes on Prop. 11  
(916) 325-0056  
info@yesprop11.org  
www.yesprop11.org

**AGAINST**  
Renée Sankus  
Citizens for Accountability. No on  
Prop. 11  
555 Capitol Mall, Suite 1425  
Sacramento, CA 95814  
(916) 443-5900  
Stopthepowergrab@yahoo.com  
www.noonprop11.org

PROP VETERANS' BOND ACT OF 2008.  
**12**

## SUMMARY

*Put on the Ballot by the Legislature*

This act provides for a bond issue of nine hundred million dollars (\$900,000,000) to provide farm and home aid for California veterans. Fiscal Impact: Costs of about \$1.8 billion to pay off both the principal (\$900 million) and interest (\$856 million) on the bonds; costs paid by participating veterans. Average payment for principal and interest of about \$59 million per year for 30 years.

## WHAT YOUR VOTE MEANS

**YES** A YES vote on this measure means: The state would be able to issue \$900 million in general obligation bonds to provide loans for the veterans' farm and home purchase (Cal-Vet) program.

**NO** A NO vote on this measure means: The state would not be able to issue these bonds for this purpose.

## ARGUMENTS

**PRO** The time-honored Cal-Vet Home Loan Program helps veterans to purchase homes in California at no expense to taxpayers. Voter approved bonds finance the Program and are repaid, along with all program costs, by the loan holders. This measure would replenish the program's funding. We urge your support.

**CON** Proposition 12 would authorize the sale of another \$900 million in bonds to provide low-interest home (and farm) loans to "veterans." Voters may wish to end the program or insist that it be limited to the most needy and deserving veterans—such as those injured in combat.

## FOR ADDITIONAL INFORMATION

**FOR**  
JP Tremblay or Jerry Jones  
California Dept. of Veterans Affairs  
1227 O Street  
Sacramento, CA 95814  
(916) 653-2192  
www.cdva.ca.gov

**AGAINST**  
Gary Wesley  
Attorney at Law  
707 Continental Circle  
Mountain View, CA 94040  
(408) 882-5070  
gwesley00@yahoo.com

bonds shall include approval of the issuance of any bonds issued to refund any bonds originally issued or any previously issued refunding bonds.

26436. *The people of California hereby find and declare that inasmuch as the proceeds from the sale of bonds authorized by this division are not "proceeds of taxes" as that term is used in Article XIII B of the California Constitution, the disbursement of these proceeds is not subject to the limitation imposed by that article.*

CHAPTER 6. ACCOUNTABILITY

26437. *In addition to any other required reports, the State Energy Resources Conservation and Development Commission, the State Air Resources Board, and the Controller shall each issue an annual report to the Governor, the Legislature, and the public that sets forth their activities and accomplishments relating to this act and future program directions. Each annual report shall include, but not be limited to, the following information: the number and dollar amounts of incentives, including but not limited to grants, loans, loan guarantees, credits, buydowns, and rebates; the recipients of incentives for the prior year; the administrative expenses relating to the act; a summary of research findings, including promising new research areas and technological innovations; and an assessment of the relationship between the award of incentives and any applicable strategic plan.*

SECTION 5. Competing, regulatory alternative.

A. In the event that another measure ("competing measure") appears on the same ballot as this act that seeks to adopt or impose provisions or requirements that differ in any regard to, or supplement, the provisions or requirements contained in this act, the voters hereby expressly declare their intent that if both the competing measure and this act receive a majority of votes cast, and this act receives a greater number of votes than the competing measure, this act shall prevail in its entirety over the competing measure without regard to whether specific provisions of each measure directly conflict with each other.

B. In the event that both the competing measure and this act receive a majority of votes cast, and the competing measure receives a greater number of votes than this act, this act shall be deemed complementary to the competing measure. To this end, and to the maximum extent permitted by law, the provisions of this act shall be fully adopted except to the extent that specific provisions contained in each measure are deemed to be in direct conflict with each other on a "provision-by-provision" basis pursuant to *Yoshisato v. Superior Court* (1992) 2 Cal.4th 978.

SECTION 6. Amendment. The provisions of this act may be amended to carry out its purpose and intent by statutes approved by a two-thirds vote of each house of the Legislature and signed by the Governor.

SECTION 7. Severability. If any provision of this act or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of this act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

## PROPOSITION 11

This initiative measure is submitted to the people in accordance with the provisions of Section 8 of Article II of the California Constitution.

This initiative measure amends and adds sections to the California Constitution and adds sections to the Government Code; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

### PROPOSED LAW

SECTION 1. Title.

This act shall be known and may be cited as the "Voters FIRST Act."

SEC. 2. Findings and Purpose.

The People of the State of California hereby make the following findings and declare their purpose in enacting this act is as follows:

(a) Under current law, California legislators draw their own political districts. Allowing politicians to draw their own districts is a serious conflict of interest that harms voters. That is why 99 percent of incumbent politicians were reelected in the districts they had drawn for themselves in the recent elections.

(b) Politicians draw districts that serve their interests, not those of our communities. For example, cities such as Long Beach, San Jose and Fresno are divided into multiple oddly shaped districts to protect incumbent legislators. Voters in many communities have no political voice because they have been

split into as many as four different districts to protect incumbent legislators. We need reform to keep our communities together so everyone has representation.

(c) This reform will make the redistricting process open so it cannot be controlled by the party in power. It will give us an equal number of Democrats and Republicans on the commission, and will ensure full participation of independent voters—whose voices are completely shut out of the current process. In addition, this reform requires support from Democrats, Republicans, and independents for approval of new redistricting plans.

(d) The independent Citizens Redistricting Commission will draw districts based on strict, nonpartisan rules designed to ensure fair representation. The reform takes redistricting out of the partisan battles of the Legislature and guarantees redistricting will be debated in the open with public meetings, and all minutes will be posted publicly on the Internet. Every aspect of this process will be open to scrutiny by the public and the press.

(e) In the current process, politicians are choosing their voters instead of voters having a real choice. This reform will put the voters back in charge.

SEC. 3. Amendment of Article XXI of the California Constitution.

SEC. 3.1. The heading of Article XXI of the California Constitution is amended to read:

ARTICLE XXI.

REAPPORTIONMENT REDISTRICTING OF SENATE, ASSEMBLY,  
CONGRESSIONAL AND  
BOARD OF EQUALIZATION DISTRICTS.

SEC. 3.2. Section 1 of Article XXI of the California Constitution is amended to read:

SECTION 1. In the year following the year in which the national census is taken under the direction of Congress at the beginning of each decade, the Legislature shall adjust the boundary lines of the ~~Senatorial, Assembly, Congressional, and Board of Equalization~~ congressional districts in conformance with the following standards and process:

(a) Each member of the ~~Senate, Assembly, Congress, and the Board of Equalization~~ shall be elected from a single-member district.

(b) The population of all congressional districts of a particular type shall be reasonably equal. *After following this criterion, the Legislature shall adjust the boundary lines according to the criteria set forth and prioritized in paragraphs (2), (3), (4), and (5) of subdivision (d) of Section 2. The Legislature shall issue, with its final map, a report that explains the basis on which it made its decisions in achieving compliance with these criteria and shall include definitions of the terms and standards used in drawing its final map.*

~~(c) Every district shall be contiguous:~~

~~(d) (c) Districts of each type~~ Congressional districts shall be numbered consecutively commencing at the northern boundary of the State and ending at the southern boundary.

~~(e) The geographical integrity of any city, county, or city and county, or of any geographical region shall be respected to the extent possible without violating the requirements of any other subdivision of this section:~~

*(d) The Legislature shall coordinate with the Citizens Redistricting Commission established pursuant to Section 2 to hold concurrent hearings, provide access to redistricting data and software, and otherwise ensure full public participation in the redistricting process. The Legislature shall comply with the open hearing requirements of paragraphs (1), (2), (3), and (7) of subdivision (a) of, and subdivision (b) of, Section 8253 of the Government Code, or its successor provisions of statute.*

SEC. 3.3. Section 2 is added to Article XXI of the California Constitution, to read:

SEC. 2. *(a) The Citizens Redistricting Commission shall draw new district lines (also known as "redistricting") for State Senate, Assembly, and Board of Equalization districts. This commission shall be created no later than December 31 in 2010, and in each year ending in the number zero thereafter.*

*(b) The Citizens Redistricting Commission (hereinafter the "commission") shall: (1) conduct an open and transparent process enabling full public consideration of and comment on the drawing of district lines; (2) draw district lines according to the redistricting criteria specified in this article; and (3) conduct themselves with integrity and fairness.*

*(c) (1) The selection process is designed to produce a Citizens Redistricting Commission that is independent from legislative influence and reasonably representative of this State's diversity.*

*(2) The Citizens Redistricting Commission shall consist of 14 members, as follows: five who are registered with the largest political party in California based on registration, five who are registered with the second largest political party in California based on registration, and four who are not registered with*

either of the two largest political parties in California based on registration.

(3) Each commission member shall be a voter who has been continuously registered in California with the same political party or unaffiliated with a political party and who has not changed political party affiliation for five or more years immediately preceding the date of his or her appointment. Each commission member shall have voted in two of the last three statewide general elections immediately preceding his or her application.

(4) The term of office of each member of the commission expires upon the appointment of the first member of the succeeding commission.

(5) Nine members of the commission shall constitute a quorum. Nine or more affirmative votes shall be required for any official action. The three final maps must be approved by at least nine affirmative votes which must include at least three votes of members registered from each of the two largest political parties in California based on registration and three votes from members who are not registered with either of these two political parties.

(6) Each commission member shall apply this article in a manner that is impartial and that reinforces public confidence in the integrity of the redistricting process. A commission member shall be ineligible for a period of 10 years beginning from the date of appointment to hold elective public office at the federal, state, county, or city level in this State. A member of the commission shall be ineligible for a period of five years beginning from the date of appointment to hold appointive federal, state, or local public office, to serve as paid staff for the Legislature or any individual legislator or to register as a federal, state, or local lobbyist in this State.

(d) The commission shall establish single-member districts for the Senate, Assembly, and State Board of Equalization pursuant to a mapping process using the following criteria as set forth in the following order of priority:

(1) Districts shall comply with the United States Constitution. Senate, Assembly, and State Board of Equalization districts shall have reasonably equal population with other districts for the same office, except where deviation is required to comply with the federal Voting Rights Act or allowable by law.

(2) Districts shall comply with the federal Voting Rights Act (42 U.S.C. Sec. 1971 and following).

(3) Districts shall be geographically contiguous.

(4) The geographic integrity of any city, county, city and county, neighborhood, or community of interest shall be respected to the extent possible without violating the requirements of any of the preceding subdivisions. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.

(5) To the extent practicable, and where this does not conflict with the criteria above, districts shall be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant population.

(6) To the extent practicable, and where this does not conflict with the criteria above, each Senate district shall be comprised of two whole, complete, and adjacent Assembly districts, and each Board of Equalization district shall be comprised of 10 whole, complete, and adjacent Senate districts.

(e) The place of residence of any incumbent or political candidate shall not be considered in the creation of a map. Districts shall not be drawn for the purpose of favoring or discriminating against an incumbent, political candidate, or political party.

(f) Districts for the Senate, Assembly, and State Board of Equalization shall be numbered consecutively commencing at the northern boundary of the State and ending at the southern boundary.

(g) By September 15 in 2011, and in each year ending in the number one thereafter, the commission shall approve three final maps that separately set forth the district boundary lines for the Senate, Assembly, and State Board of Equalization districts. Upon approval, the commission shall certify the three final maps to the Secretary of State.

(h) The commission shall issue, with each of the three final maps, a report that explains the basis on which the commission made its decisions in achieving compliance with the criteria listed in subdivision (d) and shall include definitions of the terms and standards used in drawing each final map.

(i) Each certified final map shall be subject to referendum in the same manner that a statute is subject to referendum pursuant to Section 9 of Article II. The date of certification of a final map to the Secretary of State shall be deemed the enactment date for purposes of Section 9 of Article II.

(j) If the commission does not approve a final map by at least the requisite votes or if voters disapprove a certified final map in a referendum, the Secretary of State shall immediately petition the Supreme Court for an order directing the appointment of special masters to adjust the boundary lines of

that map in accordance with the redistricting criteria and requirements set forth in subdivisions (d), (e), and (f). Upon its approval of the masters' map, the court shall certify the resulting map to the Secretary of State, which map shall constitute the certified final map for the subject type of district.

SEC. 3.4. Section 3 is added to Article XXI of the California Constitution, to read:

SEC. 3. (a) The commission has the sole legal standing to defend any action regarding a certified final map, and shall inform the Legislature if it determines that funds or other resources provided for the operation of the commission are not adequate. The Legislature shall provide adequate funding to defend any action regarding a certified map. The commission has sole authority to determine whether the Attorney General or other legal counsel retained by the commission shall assist in the defense of a certified final map.

(b) (1) The Supreme Court has original and exclusive jurisdiction in all proceedings in which a certified final map is challenged.

(2) Any registered voter in this state may file a petition for a writ of mandate or writ of prohibition, within 45 days after the commission has certified a final map to the Secretary of State, to bar the Secretary of State from implementing the plan on the grounds that the filed plan violates this Constitution, the United States Constitution, or any federal or state statute.

(3) The Supreme Court shall give priority to ruling on a petition for a writ of mandate or a writ of prohibition filed pursuant to paragraph (2). If the court determines that a final certified map violates this Constitution, the United States Constitution, or any federal or state statute, the court shall fashion the relief that it deems appropriate.

SEC. 4. Amendment of Government Code.

SEC. 4.1. Chapter 3.2 (commencing with Section 8251) is added to Division 1 of Title 2 of the Government Code, to read:

CHAPTER 3.2. CITIZENS REDISTRICTING COMMISSION

8251. Citizens Redistricting Commission General Provisions.

(a) This chapter implements Article XXI of the California Constitution by establishing the process for the selection and governance of the Citizens Redistricting Commission.

(b) For purposes of this chapter, the following terms are defined:

(1) "Commission" means the Citizens Redistricting Commission.

(2) "Day" means a calendar day, except that if the final day of a period within which an act is to be performed is a Saturday, Sunday, or holiday, the period is extended to the next day that is not a Saturday, Sunday, or holiday.

(3) "Panel" means the Applicant Review Panel.

(4) "Qualified independent auditor" means an auditor who is currently licensed by the California Board of Accountancy and has been a practicing independent auditor for at least 10 years prior to appointment to the Applicant Review Panel.

(c) The Legislature may not amend this chapter unless all of the following are met:

(1) By the same vote required for the adoption of the final set of maps, the commission recommends amendments to this chapter to carry out its purpose and intent.

(2) The exact language of the amendments provided by the commission is enacted as a statute approved by a two-thirds vote of each house of the Legislature and signed by the Governor.

(3) The bill containing the amendments provided by the commission is in print for 10 days before final passage by the Legislature.

(4) The amendments further the purposes of this act.

(5) The amendments may not be passed by the Legislature in a year ending in 0 or 1.

8252. Citizens Redistricting Commission Selection Process.

(a) (1) By January 1 in 2010, and in each year ending in the number zero thereafter, the State Auditor shall initiate an application process, open to all registered California voters in a manner that promotes a diverse and qualified applicant pool.

(2) The State Auditor shall remove from the applicant pool individuals with conflicts of interest including:

(A) Within the 10 years immediately preceding the date of application, neither the applicant, nor a member of his or her immediate family, may have done any of the following:

(i) Been appointed to, elected to, or have been a candidate for federal or state office.

(ii) Served as an officer, employee, or paid consultant of a political party or of the campaign committee of a candidate for elective federal or state office.

(iii) Served as an elected or appointed member of a political party central committee.

(iv) Been a registered federal, state, or local lobbyist.

(v) Served as paid congressional, legislative, or Board of Equalization staff.

(vi) Contributed two thousand dollars (\$2,000) or more to any congressional, state, or local candidate for elective public office in any year, which shall be adjusted every 10 years by the cumulative change in the California Consumer Price Index, or its successor.

(B) Staff and consultants to, persons under a contract with, and any person with an immediate family relationship with the Governor, a Member of the Legislature, a member of Congress, or a member of the State Board of Equalization, are not eligible to serve as commission members. As used in this subdivision, a member of a person's "immediate family" is one with whom the person has a bona fide relationship established through blood or legal relation, including parents, children, siblings, and in-laws.

(b) The State Auditor shall establish an Applicant Review Panel, consisting of three qualified independent auditors, to screen applicants. The State Auditor shall randomly draw the names of three qualified independent auditors from a pool consisting of all auditors employed by the state and licensed by the California Board of Accountancy at the time of the drawing. The State Auditor shall draw until the names of three auditors have been drawn including one who is registered with the largest political party in California based on party registration, one who is registered with the second largest political party in California based on party registration, and one who is not registered with either of the two largest political parties in California. After the drawing, the State Auditor shall notify the three qualified independent auditors whose names have been drawn that they have been selected to serve on the panel. If any of the three qualified independent auditors decline to serve on the panel, the State Auditor shall resume the random drawing until three qualified independent auditors who meet the requirements of this subdivision have agreed to serve on the panel. A member of the panel shall be subject to the conflict of interest provisions set forth in paragraph (2) of subdivision (a).

(c) Having removed individuals with conflicts of interest from the applicant pool, the State Auditor shall no later than August 1 in 2010, and in each year ending in the number zero thereafter, publicize the names in the applicant pool and provide copies of their applications to the Applicant Review Panel.

(d) From the applicant pool, the Applicant Review Panel shall select 60 of the most qualified applicants, including 20 who are registered with the largest political party in California based on registration, 20 who are registered with the second largest political party in California based on registration, and 20 who are not registered with either of the two largest political parties in California based on registration. These subpools shall be created on the basis of relevant analytical skills, ability to be impartial, and appreciation for California's diverse demographics and geography. The members of the panel shall not communicate with any State Board of Equalization member, Senator, Assembly Member, congressional member, or their representatives, about any matter related to the nomination process or applicants prior to the presentation by the panel of the pool of recommended applicants to the Secretary of the Senate and the Chief Clerk of the Assembly.

(e) By October 1 in 2010, and in each year ending in the number zero thereafter, the Applicant Review Panel shall present its pool of recommended applicants to the Secretary of the Senate and the Chief Clerk of the Assembly. No later than November 15 in 2010, and in each year ending in the number zero thereafter, the President pro Tempore of the Senate, the Minority Floor Leader of the Senate, the Speaker of the Assembly, and the Minority Floor Leader of the Assembly may each strike up to two applicants from each subpool of 20 for a total of eight possible strikes per subpool. After all legislative leaders have exercised their strikes, the Secretary of the Senate and the Chief Clerk of the Assembly shall jointly present the pool of remaining names to the State Auditor.

(f) No later than November 20 in 2010, and in each year ending in the number zero thereafter, the State Auditor shall randomly draw eight names from the remaining pool of applicants as follows: three from the remaining subpool of applicants registered with the largest political party in California based on registration, three from the remaining subpool of applicants registered with the second largest political party in California based on registration, and two from the remaining subpool of applicants who are not registered with either of the two largest political parties in California based on registration. These eight individuals shall serve on the Citizens Redistricting Commission.

(g) No later than December 31 in 2010, and in each year ending in the number zero thereafter, the eight commissioners shall review the remaining names in the pool of applicants and appoint six applicants to the commission

as follows: two from the remaining subpool of applicants registered with the largest political party in California based on registration, two from the remaining subpool of applicants registered with the second largest political party in California based on registration, and two from the remaining subpool of applicants who are not registered with either of the two largest political parties in California based on registration. The six appointees must be approved by at least five affirmative votes which must include at least two votes of commissioners registered from each of the two largest parties and one vote from a commissioner who is not affiliated with either of the two largest political parties in California. The six appointees shall be chosen to ensure the commission reflects this state's diversity, including, but not limited to, racial, ethnic, geographic, and gender diversity. However, it is not intended that formulas or specific ratios be applied for this purpose. Applicants shall also be chosen based on relevant analytical skills and ability to be impartial.

8252.5. Citizens Redistricting Commission Vacancy, Removal, Resignation, Absence.

(a) In the event of substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office, a member of the commission may be removed by the Governor with the concurrence of two-thirds of the Members of the Senate after having been served written notice and provided with an opportunity for a response. A finding of substantial neglect of duty or gross misconduct in office may result in referral to the Attorney General for criminal prosecution or the appropriate administrative agency for investigation.

(b) Any vacancy, whether created by removal, resignation, or absence, in the 14 commission positions shall be filled within the 30 days after the vacancy occurs, from the pool of applicants of the same voter registration category as the vacating nominee that was remaining as of November 20 in the year in which that pool was established. If none of those remaining applicants are available for service, the State Auditor shall fill the vacancy from a new pool created for the same voter registration category in accordance with Section 8252.

8253. Citizens Redistricting Commission Miscellaneous Provisions.

(a) The activities of the Citizens Redistricting Commission are subject to all of the following:

(1) The commission shall comply with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2), or its successor. The commission shall provide not less than 14 days' public notice for each meeting, except that meetings held in September in the year ending in the number one may be held with three days' notice.

(2) The records of the commission pertaining to redistricting and all data considered by the commission are public records that will be posted in a manner that ensures immediate and widespread public access.

(3) Commission members and staff may not communicate with or receive communications about redistricting matters from anyone outside of a public hearing. This paragraph does not prohibit communication between commission members, staff, legal counsel, and consultants retained by the commission that is otherwise permitted by the Bagley-Keene Open Meeting Act or its successor outside of a public hearing.

(4) The commission shall select by the voting process prescribed in paragraph (5) of subdivision (c) of Section 2 of Article XXI of the California Constitution one of their members to serve as the chair and one to serve as vice chair. The chair and vice chair shall not be of the same party.

(5) The commission shall hire commission staff, legal counsel, and consultants as needed. The commission shall establish clear criteria for the hiring and removal of these individuals, communication protocols, and a code of conduct. The commission shall apply the conflicts of interest listed in paragraph (2) of subdivision (a) of Section 8252 to the hiring of staff to the extent applicable. The Secretary of State shall provide support functions to the commission until its staff and office are fully functional. Any individual employed by the commission shall be exempt from the civil service requirements of Article VII of the California Constitution. The commission shall require that at least one of the legal counsel hired by the commission has demonstrated extensive experience and expertise in implementation and enforcement of the federal Voting Rights Act of 1965 (42 U.S.C. Sec. 1971 and following). The commission shall make hiring, removal, or contracting decisions on staff, legal counsel, and consultants by nine or more affirmative votes including at least three votes of members registered from each of the two largest parties and three votes from members who are not registered with either of the two largest political parties in California.

(6) Notwithstanding any other provision of law, no employer shall discharge, threaten to discharge, intimidate, coerce, or retaliate against any employee by reason of such employee's attendance or scheduled attendance at any meeting

of the commission.

(7) The commission shall establish and implement an open hearing process for public input and deliberation that shall be subject to public notice and promoted through a thorough outreach program to solicit broad public participation in the redistricting public review process. The hearing process shall include hearings to receive public input before the commission draws any maps and hearings following the drawing and display of any commission maps. In addition, hearings shall be supplemented with other activities as appropriate to further increase opportunities for the public to observe and participate in the review process. The commission shall display the maps for public comment in a manner designed to achieve the widest public access reasonably possible. Public comment shall be taken for at least 14 days from the date of public display of any map.

(b) The Legislature shall take all steps necessary to ensure that a complete and accurate computerized database is available for redistricting, and that procedures are in place to provide the public ready access to redistricting data and computer software for drawing maps. Upon the commission's formation and until its dissolution, the Legislature shall coordinate these efforts with the commission.

#### 8253.5. Citizens Redistricting Commission Compensation.

Members of the commission shall be compensated at the rate of three hundred dollars (\$300) for each day the member is engaged in commission business. For each succeeding commission, the rate of compensation shall be adjusted in each year ending in nine by the cumulative change in the California Consumer Price Index, or its successor. Members of the panel and the commission are eligible for reimbursement of personal expenses incurred in connection with the duties performed pursuant to this act. A member's residence is deemed to be the member's post of duty for purposes of reimbursement of expenses.

#### 8253.6. Citizens Redistricting Commission Budget, Fiscal Oversight.

(a) In 2009, and in each year ending in nine thereafter, the Governor shall include in the Governor's Budget submitted to the Legislature pursuant to Section 12 of Article IV of the California Constitution amounts of funding for the State Auditor, the Citizens Redistricting Commission, and the Secretary of State that are sufficient to meet the estimated expenses of each of those officers or entities in implementing the redistricting process required by this act for a three-year period, including, but not limited to, adequate funding for a statewide outreach program to solicit broad public participation in the redistricting process. The Governor shall also make adequate office space available for the operation of the commission. The Legislature shall make the necessary appropriation in the Budget Act, and the appropriation shall be available during the entire three-year period. The appropriation made shall be equal to the greater of three million dollars (\$3,000,000), or the amount expended pursuant to this subdivision in the immediately preceding redistricting process, as each amount is adjusted by the cumulative change in the California Consumer Price Index, or its successor, since the date of the immediately preceding appropriation made pursuant to this subdivision. The Legislature may make additional appropriations in any year in which it determines that the commission requires additional funding in order to fulfill its duties.

(b) The commission, with fiscal oversight from the Department of Finance or its successor, shall have procurement and contracting authority and may hire staff and consultants, exempt from the civil service requirements of Article VII of the California Constitution, for the purposes of this act, including legal representation.

#### SEC. 5. Conflicting Ballot Propositions.

(a) In the event that this measure and another measure(s) relating to the redistricting of Senate, Assembly, congressional, or Board of Equalization districts are approved by a majority of voters at the same election, and this measure receives a greater number of affirmative votes than any other such measure(s), this measure shall control in its entirety and the other measure(s) shall be rendered void and without any legal effect. If this measure is approved by a majority of the voters but does not receive a greater number of affirmative votes than the other measure(s), this measure shall take effect to the extent permitted by law.

(b) If any provisions of this measure are superseded by the provisions of any other conflicting measure approved by the voters and receiving a greater number of affirmative votes at the same election, and the conflicting measure is subsequently held to be invalid, the provisions of this measure shall be self-executing and given full force of law.

#### SEC. 6. Severability.

The provisions of this act are severable. If any provision of this act or its

application is held to be invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

## PROPOSITION 12

This law proposed by Senate Bill 1572 of the 2007–2008 Regular Session (Chapter 122, Statutes of 2008) is submitted to the people in accordance with the provisions of Article XVI of the California Constitution.

This proposed law adds sections to the Military and Veterans Code; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

### PROPOSED LAW

SECTION 1. Article 5x (commencing with Section 998.400) is added to Chapter 6 of Division 4 of the Military and Veterans Code, to read:

#### Article 5x. Veterans' Bond Act of 2008

998.400. This article may be cited as the Veterans' Bond Act of 2008.

998.401. (a) The State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), except as otherwise provided herein, is adopted for the purpose of the issuance, sale, and repayment of, and otherwise providing with respect to, the bonds authorized to be issued by this article, and the provisions of that law are included in this article as though set out in full in this article. All references in this article to "herein" refer both to this article and that law.

(b) For purposes of the State General Obligation Bond Law, the Department of Veterans Affairs is designated the board.

998.402. As used herein, the following words have the following meanings:

(a) "Board" means the Department of Veterans Affairs.

(b) "Bond" means veterans' bond, a state general obligation bond, issued pursuant to this article adopting the provisions of the State General Obligation Bond Law.

(c) "Bond act" means this article authorizing the issuance of state general obligation bonds and adopting the State General Obligation Bond Law by reference.

(d) "Committee" means the Veterans' Finance Committee of 1943, established by Section 991.

(e) "Fund" means the Veterans' Farm and Home Building Fund of 1943, established by Section 988.

998.403. For the purpose of creating a fund to provide farm and home aid for veterans in accordance with the Veterans' Farm and Home Purchase Act of 1974 (Article 3.1 (commencing with Section 987.50)), and of all acts amendatory thereof and supplemental thereto, the committee may create a debt or debts, liability or liabilities, of the State of California, in the aggregate amount of not more than nine hundred million dollars (\$900,000,000), exclusive of refunding bonds, in the manner provided herein.

998.404. (a) All bonds authorized by this article, when duly sold and delivered as provided herein, constitute valid and legally binding general obligations of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal and interest thereof.

(b) There shall be collected annually, in the same manner and at the same time as other state revenue is collected, a sum of money, in addition to the ordinary revenues of the state, sufficient to pay the principal of, and interest on, these bonds as provided herein, and all officers required by law to perform any duty in regard to the collection of state revenues shall collect this additional sum.

(c) On the dates on which funds are to be remitted pursuant to Section 16676 of the Government Code for the payment of debt service on the bonds in each fiscal year, there shall be transferred to the General Fund to pay the debt service all of the money in the fund, not in excess of the amount of debt service then due and payable. If the money transferred on the remittance dates is less than debt service then due and payable, the balance remaining unpaid shall be transferred to the General Fund out of the fund as soon as it shall become available, together with interest thereon from the remittance date until paid, at the same rate of interest as borne by the bonds, compounded semiannually. Notwithstanding any other provision of law to the contrary, this subdivision shall apply to all veterans farm and home purchase bond acts pursuant to this