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Reapportionment By Districting Commission Or Supreme Court.

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Official Title and Summary Prepared by the Attorney General

REAPPORTIONMENT BY DISTRICTING COMMISSION OR SUPREME COURT. INITIATIVE CONSTITUTIONAL AMENDMENT. Repeals Legislature's power over reapportionment. Establishes Districting Commission. Commission given exclusive authority to specify State Senate, Assembly, Equalization Board, and congressional district boundaries. Specifies criteria for establishing districts. Provides method of choosing commissioners having designated qualifications selected by appellate court justice panel and political party representatives. Requires districting plans be adopted for 1984 elections and following each decennial census thereafter. Specifies commission's duties and responsibilities. Provides for open meetings, procedures, public hearings, and judicial review. Retains referendum power. Requires Supreme Court action if districting plans not adopted within specified times. Summary of Legislative Analyst's estimate of net state and local government fiscal impact: On assumptions stated in the Analyst's estimate, increased state costs of \$126,000 for salaries of commission in 1983 and a comparable amount (in today's dollars) once every 10 years beginning in 1991.

Analysis by the Legislative Analyst

Background:

The State Constitution requires the Legislature to adjust the boundary lines of Assembly, State Senate, congressional, and Board of Equalization districts every 10 years, following publication of the federal census. This process is known as "reapportionment" or "redistricting." The primary purpose of reapportionment is to establish districts which are reasonably equal in population. Federal law and the State Constitution prescribe other objectives and standards which the Legislature must adhere to and consider in establishing the districts.

Following publication of the 1980 federal census, the California Legislature revised the boundaries of the Assembly, State Senate, and congressional districts. (The Board of Equalization districts were not revised.) At the June 8, 1982, primary election, three referendum measures appeared on the ballot, giving voters the opportunity to approve or reject these newly revised district plans. All three of the plans were rejected. Consequently, the Legislature must again revise the boundaries of the Assembly, State Senate, and congressional districts in time for the 1984 statewide elections. The Legislature would not otherwise reapportion districts again until 1991.

Proposal:

This measure amends the State Constitution to transfer from the Legislature to a newly established commission the responsibility for reapportioning Assembly, State Senate, congressional, and Board of Equalization districts. The commission, entitled the "Districting Commission," would be required to adopt, by October 1, 1983, districting plans for the 1984 through 1990 elections based on the 1980 decennial census. Thereafter, the commission, rather than the Legislature, would meet once each decade, beginning in 1991, to develop new reapportionment plans based on the latest census data.

The districting commission would consist of at least 10 appointed members. A panel of justices from the California courts of appeal would select four members, including the chairperson of the commission. The largest two political parties in California would each appoint three members, two of whom could be Members of the Legislature. In addition, any other political parties having 10 percent or more representation in the State Legislature (there are none at present) would be authorized to appoint a single member.

If this measure is approved by the voters, members of the first districting commission will be appointed in December of 1982. Thereafter, commission members generally would be appointed during December of the year in which the decennial census occurs. The commission would remain in existence "until there are final [redistricting] plans."

Each commission member who is not an elected state official would receive compensation for each month during which the commission is active. The amount of compensation per month would be equal to the monthly salary of a state legislator. The commission as a whole, as well as individual commission members, would be authorized to employ staff as needed.

The commission would have to adopt final redistricting plans by October 1 of the year following the year in which the members were appointed, or 180 days after the commission has received the necessary census data, whichever date is later. Plans would have to be adopted by a two-thirds vote of the commission membership, including at least three votes from members appointed by the panel of justices and at least one vote from one of the members appointed by each of the largest two political parties.

The plans would have to conform to certain objectives and standards, some of which are as follows:

1. Each districting plan shall provide fair representation for all citizens, including racial, ethnic, and language minorities, and political parties.

2. Each Board of Equalization district shall be composed of 10 Senate districts, and each Senate district shall be composed of two Assembly districts.

3. The population of state legislative districts shall be within 1 percent of the average district population, but can vary by up to 2 percent to accomplish the objectives and standards specified in this measure. Congressional districts shall be as nearly equal in population as practicable.

4. Each district shall have only one representative.

5. There shall be no lapse of representation for a district because of district numbering.

6. To the extent practicable, districts:

- Shall be geographically compact,
- Shall not cross any common county boundary more than once,
- Shall be comprised of whole census tracts, and
- Shall minimize the division of cities, counties, and geographical regions.

If the commission is unable to adopt a redistricting plan or plans within the designated time frame, or if any plan is found unconstitutional or rejected by the voters through the referendum process, the measure would require the Supreme Court to adopt a plan or plans in accordance with the objectives and standards set forth in this measure.

Fiscal Effect:

Approval of this measure would transfer the responsibility for reapportionment from the State Legislature to a new reapportionment commission. In carrying out its responsibilities, the commission would incur unknown, but probably significant, costs to compensate commission members, employ staff, develop the data needed to prepare districting plans, and otherwise support the work of the commission. The Legislature, however, would incur significant savings because it would no longer be required to adopt reapportionment plans.

We have no basis for concluding that the staff and support costs incurred by the commission in adopting reapportionment plans would be significantly higher or lower than the costs that otherwise would be incurred by the Legislature for redistricting purposes. Thus, only the salaries of the nonlegislative members of the commission would be in addition to the costs normally incurred for redistricting purposes. Therefore, assuming that all relevant reapportionment data acquired by the Legislature for the most recent reapportionment would be made available to the districting commission, we conclude that approval of this measure could increase state costs by at least \$126,000 in 1983 and by a comparable amount (in today's dollars) once every 10 years beginning in 1991.

This measure would not affect local costs.

Text of Proposed Law

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

This initiative measure amends the Constitution by amending, adding, and repealing sections thereof; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be inserted or added are printed in *italic type* to indicate that they are new.

PROPOSED ADDITION OF ARTICLE IV A, REPEAL OF ARTICLE XXI, AMENDMENT OF ARTICLE IV, SECTIONS 1 AND 6, AND AMENDMENT OF ARTICLE VI, SECTION 17

First—That Article IV A is added to read:

ARTICLE IV A

DISTRICTING OF STATE SENATE, ASSEMBLY AND BOARD OF EQUALIZATION AND UNITED STATES HOUSE OF REPRESENTATIVES

SEC. 1. Except as provided in this article, the sole and exclusive authority to specify the boundaries of districts for the State Senate, Assembly, Board of Equalization and the United States House of Representatives for California is vested in the Districting Commission established by this article.

SEC. 2. The Districting Commission shall adopt two districting plans, one for the State Senate, Assembly and Board of Equalization, and one for the United States House of Representatives.

SEC. 3.

(a) Each districting plan shall provide fair and effective representation for all citizens of the State, including racial, ethnic and language minorities, and for political parties. The Commission shall endeavor to maintain identifiable communities of interest, promote competition for elective office, and facilitate individual and group political activity.

(b) Each State Senate district shall be composed of two Assembly districts and each Board of Equalization district shall be composed of ten Senate districts.

(c) Districts shall be single member.

(d) Districts shall be composed of convenient contiguous territory with reasonable access between population centers in the district.

(e) State legislative districts shall not vary in population more than one percent from the average district population based on the decennial census, except that they may vary up to two percent if necessary to accomplish the objectives and standards of this section.

(f) Congressional districts shall have populations which are as nearly equal as practicable.

(g) State Senate districts with the greatest percentage of population from currently even-numbered districts shall be given even numbers and those districts with the greatest percentage from currently odd-numbered districts shall be given odd numbers, except to ensure an equal number of even- and odd-numbered districts. There shall not be a lapse of representation for a district because of district numbering.

(h) To the extent consistent with the objectives and standards set forth in paragraphs (a) through (g) of this section, and insofar as practical, in the Commission's judgment, districts shall:

(1) Be geographically compact; populous contiguous territory shall not be bypassed to reach distant populous areas.

(2) Minimize the division of counties and cities;

(3) Not cross any common county boundary more than once;

(4) Not be created so that a county contains a majority of the population of more districts plus one than the number of whole districts to which it would be entitled;

(5) Minimize the division of geographic regions in California; and

(6) Be comprised of whole census tracts.

SEC. 4. Members of the Districting Commission shall be chosen for the term of the Commission in the year of the decennial census.

(a) A chairperson and three other members shall be appointed by December 31 by a panel of seven justices of the California Court of Appeal, by a two-thirds vote.

(1) The panel shall be selected in order of seniority, beginning with presiding justices by date of appointment to that office, and then associate justices by date of appointment. No more than four shall have been registered as affiliated with the same political party at the time of appointment to the Court of Appeal.

(2) The panel shall appoint, to the extent practical, knowledgeable, politically independent women and men who will give the Commission geographic, social and ethnic diversity. If the justices appoint a person registered to vote within the last three years as affiliated with a political party referred to in paragraph (b) or (c) of this section, they shall appoint an equal number of persons registered as affiliated with the other of those parties. Appointees shall not hold or have held partisan public or party office within the previous five years.

(b) Three members shall be appointed between December 10 and December 20 by representatives of the political party with which the largest number of persons registered to vote were affiliated at the time of the last statewide election, as follows:

(1) One member by the members of the State Assembly, and one member

Continued on page 66

Reapportionment by Districting Commission or Supreme Court: Initiative Constitutional Amendment

Argument in Favor of Proposition 14

IT'S TIME FOR A CHANGE; LET'S REFORM REAPPORTIONMENT

Democracy has no firmer foundation than free and fair elections. Actions that compromise the fairness of elections threaten the very heart of democracy. Nothing does more damage to fair elections than allowing legislators to draw their own district lines.

Reapportionment occurs every ten years when the Legislature establishes new legislative and congressional districts for California. How lines are drawn influences the outcome of elections in this state for the next ten years. In recent decades Californians were treated to the spectacle of incumbents striving to increase their own political power by drawing new district lines that would serve only their own narrow personal or partisan interests.

THE PEOPLE WANT REFORM

This year the people of California were so disturbed by the incumbents' abuse of the reapportionment power that three million of them voted to reject the Legislature's handiwork—a vote of two to one against the Legislature's reapportionment plans.

This proposition is your chance to take reapportionment permanently out of the hands of the Legislature and to stop the incumbents from tampering with fair elections.

Proposition 14 offers permanent reapportionment reform for the people of California. It takes the power to redraw the district lines away from the Legislature and gives it to an independent districting commission which is directed to "provide fair and effective representation for all citizens of the state, including racial, ethnic and language minorities, and for political parties."

THIS COMMISSION ASSURES FAIR REPRESENTATION

- The commission consists of ten members, three selected by the Democrats, three by the Republicans, and four by

the senior presiding justices of the California Court of Appeals.

- It must draw new districts based only on population—not political—considerations. No more bizarre, gerrymandered districts.
- Representatives of both parties and a majority of the non-partisan commissioners must agree on the final district lines. No more secret deals favoring one party or another.
- The commission must hold public hearings on reapportionment plans, produce maps of the new districts, and allow the people to participate in the approval of district lines. This is a real improvement over the way the Legislature has reapportioned the state.
- Finally, the commission will reduce the cost of drawing the new district lines. The Legislature spends millions of our dollars pursuing its personal and partisan needs. The commission will do its work and then go out of business until the next reapportionment.

A FAIR REAPPORTIONMENT SYSTEM WILL SERVE YOU BEST

The only fair way to redraw voting districts is to take the job away from those who stand to benefit. There is no worse conflict of interest than the incumbents drawing their own election districts.

VOTE YES ON REAPPORTIONMENT REFORM VOTE YES ON PROPOSITION 14

GERALD FORD

Former President of the United States

DONALD WRIGHT

Former Chief Justice, California Supreme Court

SUSAN ROUDER

Chair, California Common Cause

Rebuttal to Argument in Favor of Proposition 14

Proposition 14 is an ill-conceived scheme that attacks one of your most cherished democratic rights—the right to vote by referendum against any future gerrymanders.

The proponents of Proposition 14 call this reform. Whom are they kidding?

Proposition 14 creates a commission made up of a combination of ivory tower elitists and faceless political hacks. You won't elect them and you won't be able to get rid of them.

Furthermore, the commission will be composed in part of appointees of the Democratic and Republican Parties who will have veto power over any redistricting plan. It's an open invitation for extremists of the left and the right to muscle in and take over. You can imagine what kind of plan they would devise. And there is nothing you can do about it.

The lines this commission draws will wind up in court. Invariably that has happened wherever such commissions exist. The court's decision is not subject to a referendum. You can't vote on it.

If you don't like what your representatives do now, you have at least two remedies under the present Constitution: you can throw them out by electing someone else, or you can support a referendum to repeal any law they pass. Under this change you have no recourse.

Proposition 14 makes a mockery of the democratic process. Stop this rape of the Constitution. Protect your freedom. Vote no on Proposition 14.

JESSE M. UNRUH

*State Treasurer
Former Speaker, State Assembly*

DAVID ROBERTI

*State Senator, 23rd District
President pro Tempore, State Senate*

WILLIE LEWIS BROWN, JR.

*Member of the Assembly, 17th District
Speaker of the State Assembly*

Reapportionment by Districting Commission or Supreme Court: Initiative Constitutional Amendment

14

Argument Against Proposition 14

Californians don't want another \$4 million bureaucracy. Especially one that won't work. But that is what Proposition 14 would force into our Constitution.

OUR FOUNDING FATHERS WOULD ROLL OVER IN THEIR GRAVES IF THEY KNEW ABOUT PROPOSITION 14.

The United States Constitution—and the California Constitution, which is modeled after it—clearly separates the power of government into three branches: the Executive, the Legislative, and the Judicial. The right to determine legislative districts has rested with the people of California and their elected representatives for over 100 years.

PROPOSITION 14 WOULD TAKE THAT RIGHT AWAY FROM THE PEOPLE AND GIVE IT TO A STATE BUREAUCRACY, THE LIFE AND COST OF WHICH IS INDETERMINATE.

Prop 14 would create a new state bureaucracy, a commission appointed by leaders of political parties and the state judiciary. The voters and their elected representatives would have little or no say in who gets appointed. This new elite bureaucracy would have the power to determine your legislative districts.

WHEN THE COMMISSION DOESN'T WORK, THE SUPREME COURT TAKES OVER LEGISLATIVE REDISTRICTING.

Because representatives of political parties on the commission can veto the commission plan, the Supreme Court is designated by Prop 14 to do redistricting. Inevitably, because of the veto power of either party, the California Supreme Court will end up having the final say in redistricting. In that case the voters will be left out in the cold.

IF THE VOTERS DON'T LIKE THE DECISION OF THE STATE SUPREME COURT . . . THEY CAN'T DO A DARN THING ABOUT IT BECAUSE PROPOSITION 14 TAKES AWAY THE VOTERS' RIGHT OF REFERENDUM.

If you don't like the district lines drawn by the Supreme Court, you no longer will have any way to reverse the decision. The most time-honored tradition of California's system

of government is the people's right to place on the ballot issues which *they* feel are important. It is in this way that Proposition 13 (property tax relief), the death penalty, and park bonds have been voted on by you.

PROPOSITION 14 WOULD IMPOSE ON CALIFORNIA AN EXPERIMENT THAT HAS FAILED IN ALMOST EVERY STATE IN WHICH IT HAS BEEN TRIED.

Proposition 14 would simply add California to the national list of expensive failures. *The Los Angeles Times* noted this fact in opposing the proposition:

"Other states already have such commissions. Those commissions are turning out new district maps that look like something that Bill Russell made by bouncing basketballs in blobs of paint."

HELP SAVE THE CONSTITUTIONAL PROCESS OF REDISTRICTING AND SAVE 4 MILLION DOLLARS--VOTE NO ON PROPOSITION 14.

As the *Sacramento Bee* stated:

"The existing process is slow, often frustrating. But then that's often the way democratic institutions work. Their redeeming element is that they hold public servants accountable. [The] commission plan, well intentioned though it is, can't match that."

RETAIN YOUR CONSTITUTIONAL RIGHT AS A FREE CITIZEN TO SPEAK OUT. DON'T TRANSFER THAT RIGHT TO AN ELITE AND COSTLY BUREAUCRACY.

VOTE NO ON PROPOSITION 14.

JESSE UNRUH
State Treasurer
Former Speaker, State Assembly

DAVID A. ROBERTI
State Senator, 23rd District
President pro Tempore, State Senate

WILLIE LEWIS BROWN, JR.
Member of the Assembly, 17th District
Speaker of the State Assembly

Rebuttal to Argument Against Proposition 14

Proposition 14 opponents want you to believe a series of misrepresentations. They also ignore the persistent failures and unfairness of redistricting by the Legislature.

FACT: The commission will not be another ongoing bureaucracy. It will draw districts in a short time, then go out of business.

FACT: The commission won't cost any more money. The official state-prepared proposition summary declares, "There will be no ongoing net increases to either the state or local governments."

FACT: Proposition 14 leaves power with the people. Any commission plan can be rejected by the voters in a referendum.

FACT: Proposition 14 does not give the Supreme Court new powers. The Supreme Court can already do reapportionment and did so in 1973. In 1982 legislative plans again ended up in the courts.

FACT: Many redistricting commissions in other states have worked. Proposition 14 is based upon careful analy-

sis of commission successes and failures in other states.

FACT: The commission will be fair and open. It is required to hold public hearings and seek public input. Plans must be approved by two-thirds vote. The legislative plans are formed behind closed doors by incumbents seeking personal and partisan goals.

HAS THE LEGISLATURE PROVEN ITS ABILITY TO CONDUCT REAPPORTIONMENT IN THE BEST INTEREST OF THE PEOPLE? NO!

Vote YES for permanent reapportionment reform! Vote YES for fair elections!

VOTE YES ON PROPOSITION 14!

GERALD FORD
Former President of the United States

DONALD WRIGHT
Former Chief Justice, California Supreme Court

SUSAN ROUDER
Chair, California Common Cause

petition within 90 days shall preclude any person from challenging the board's action in any administrative or judicial proceeding.

(b) Any person shall have standing to enforce the provisions of this division in a proceeding for declaratory or injunctive relief. Except as provided in subdivision (a), nothing in this section shall limit any other cause of action which may be available under other provisions of law.

(c) The board may request the Attorney General to seek injunctive relief and other appropriate judicial remedies in the Superior Court in and for the County of Sacramento when necessary to enforce the provisions and the policies of this division.

15403. This division may be amended or repealed by the procedures set forth in this section. If any portion of subdivision (a) is declared invalid, then subdivision (b) shall be the exclusive means of amending or repealing this division.

(a) This division may be amended to further its purpose by statute, passed in each house by rollcall vote entered in the journal, a majority of the member-

ship concurring, and signed by the Governor, if at least 20 days prior to passage in each house the bill in its final form has been delivered to the board for distribution to the news media and to every person who has requested the board to send copies of those bills to him or her.

(b) This division may be amended or repealed by a statute that becomes effective only when approved by the electors.

15404. The people of the State of California find and declare that the policies and the provisions of this division are in furtherance of the policy of conservation and reasonable and beneficial use contained in Section 2 of Article X of the California Constitution and, being necessary for the health, safety, and welfare of the state and its inhabitants, shall be liberally construed.

15405. If any provision of this division or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the division which can be given effect without the invalid provision or application, and to this end the provisions of this division are severable.

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by the members of the State Senate, registered to vote as affiliated with the party at the date of their nomination.

(2) One member, not a state legislator, appointed by the state chairman of the party, with the approval of the party's executive committee.

(c) Three members shall be appointed between December 10 and December 20 by representatives of the political party with which the second largest number of persons registered to vote were affiliated at the time of the last statewide election, as follows:

(1) One member by the members of the State Assembly, and one member by the members of the State Senate, registered to vote as affiliated with the party at the date of their nomination.

(2) One member, not a state legislator, appointed by the state chairman of the party, with the approval of the party's executive committee.

(d) If persons belonging to any other political party have 10% of the membership of the State Legislature, one additional member may be appointed by the state legislators belonging to that party between December 10 and December 20.

(e) Each member of the Commission shall be registered to vote in California.

(f) Vacancies shall be filled by the body that made the previous appointment in the manner required by this section.

(g) Failure to have one or more members appointed under sections (b) and/or (c) shall not affect the power of the Commission to adopt plans.

SEC. 5.

(a) The Commission shall adopt rules and regulations to fulfill its responsibilities under this article.

(b) Commission meetings shall be open to the public. Commission records, data and plans shall be available to the public.

(c) All action by the Commission shall require approval by a recorded roll call vote of two-thirds of the appointed members, except as otherwise provided in this article.

(d) The Commission shall employ needed staff, consultants and services. The Executive Director must be selected by the vote required to adopt a plan. Members appointed pursuant to sections 4(a), (b) and (c) shall each be allocated sufficient equal budgets to select staffs responsible to them. These staffs shall have equal access to the policy discussions and decisions of the Commission and to all data compiled and systems used by the Commission.

(e) The Secretary of State shall collect and maintain data necessary to carry out the purposes of this article and provide it to the Commission and, for a reasonable fee, to other interested persons.

SEC. 6.

(a) A Commission shall initially be appointed by December 31, 1982. Appointments made under sections 4(b), (c) and (d) shall be made by December 20, 1982 and under section 4(a) by December 31, 1982. The Commission shall adopt districting plans for the 1984 through 1990 elections based on the 1980 decennial census and shall remain in existence until there are final plans for those elections.

(b) Thereafter a Commission shall be appointed in the year of each decennial census. It shall adopt districting plans based on that census and shall remain in existence until there are final plans for that decade.

(c) The Commission shall:

(1) Adopt regulations that further define the objectives and standards for plans.

(2) Establish geographic regions for districting purposes based on major geographical, urban and rural divisions in California.

(3) Hold public hearings throughout the state on proposed plans, including at least two hearings prior to the adoption of plans when those plans are in substantially final form.

(4) Adopt final plans by October 1 of the year following appointment of the Commission, or 180 days after receipt of necessary census data, whichever is later.

(5) Provide written findings and reasons for adoption of plans.

(d) Plans must be adopted by a recorded roll call vote of two-thirds of the appointed members of the Commission, including at least three votes from members appointed pursuant to section 4(a), one vote from any member appointed pursuant to section 4(b), and one vote from any member appointed pursuant to section 4(c).

SEC. 7.

(a) An adopted districting plan shall take effect for the first direct primary following expiration of the period for judicial review and referendum. If that expiration date is later than February 1 of the year of a direct primary, the plan shall take effect for the next following direct primary. Plans shall be effective for the rest of the decade.

(b) An adopted districting plan shall have the full effect of a statute. The plan's adoption date shall be deemed to be the enactment date of a statute. The plan shall be published in the Statutes of California.

(c) Any statute adopted by the Legislature fixing boundaries for districts covered by a plan shall be void.

SEC. 8.

(a) A plan shall not be subject to repeal or amendment by the Legislature.

(b) A plan adopted by the Commission is subject to referendum under the same requirements and procedures applicable to statutes.

(c) When a referendum petition is certified as adequate by the Secretary of State, the California Supreme Court shall order the next primary and general election to be held in the existing districts, or adopt an interim plan subject to the requirements of Section 9(b) and (c).

SEC. 9.

(a) The California Supreme Court shall have original and exclusive jurisdiction to review a plan adopted by the Commission. A petition for mandamus or other review may be filed by a resident of the state within 45 days after the adoption of the plan.

(b) The Supreme Court shall adopt a districting plan within 60 days, in accordance with the objectives and standards set forth in section 3, if:

(1) The Commission has been unable to adopt a plan by October 1 of the year before a direct primary, or 180 days after receipt of necessary census data, whichever is later;

(2) A plan adopted by the Commission has been rejected by the voters; or

(3) A plan adopted by the Commission is finally adjudicated as unconstitutional or in violation of federal statute.

(c) The Supreme Court shall use the Commission with its staff, if at all possible, as its special masters.

SEC. 10. Commission members and staff shall not hold, or be eligible for election to, any state elective office whose district boundaries have been adopted by the Commission for four years from the date the Commission convenes, except those members who are members of the State Legislature at the time of their appointment.

SEC. 11.

(a) The Legislature shall appropriate funds to the Districting Commission and to the Secretary of State adequate to carry out their duties under this article.

(b) Each Commission member who is not an elected state official shall receive monthly compensation equal to the salary of a member of the State Legislature, except during months in which the Commission is not active.

SEC. 12. If any part of this article or the application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications which reasonably can be given effect without the invalid provision or application.

Second—That Article XXI is repealed.

ARTICLE XXI

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 districts in conformance with the following standards:

(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 districts of a particular type shall be reasonably equal.

(c) Every district shall be contiguous.

(d) Districts of each type 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 violat-

ing the requirements of any other subdivision of this section.

Third—That Section 1 of Article IV is amended to read:

SEC. 1. Except as provided in Article IV A, the legislative power of this State is vested in the California Legislature which consists of the Senate and Assembly, but the people reserve to themselves the powers of initiative and referendum.

Fourth—That Section 6 of Article IV is amended to read:

SEC. 6. For the purpose of choosing electing members of the Legislature, the State shall be divided into 40 Senatorial and 80 Assembly districts to be called Senatorial and Assembly Districts as specified in the districting plan adopted under Article IV A. Each Senatorial district shall choose one Senator and each Assembly district shall choose one member of the Assembly. One member shall be elected from each district. The Senatorial

districts shall be numbered from one to 40, and the Assembly districts shall be numbered from one to 80, in each case commencing at the northern boundary of the State.

Fifth—That Section 17 of Article VI is amended to read:

SEC. 17. A judge of a court of record may not practice law and during the term for which the judge was selected is ineligible for public employment or public office other than judicial employment or judicial office, or service on a selection panel as provided for in Section 4 of Article IV A. A judge of the superior or municipal court may, however, become eligible for election to other public office by taking a leave of absence without pay prior to filing a declaration of candidacy. Acceptance of the public office is a resignation from the office of judge.

A judicial officer may not receive fines or fees for personal use.

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(6) The people of the state of California recognize that most firearms are long rifles and shotguns, which have many lawful uses in such recreational sports as hunting, and in self-protection as well. By enacting this initiative, law-abiding people are guaranteed the right to own and purchase long rifles and shotguns without limitation. Through this initiative, the people attempt only to put reasonable regulations on concealable handguns and to prevent their use in the commission of crimes.

(7) The people of the state of California recognize that the cost of handgun violence, including hospital care, welfare, unemployment, and other expenses, totals hundreds of millions of dollars annually. Through this initiative, the people intend to stem these senseless and ever-increasing expenditures, which place an unnecessary burden on the taxpayer.

Now, therefore, the people of the State of California do hereby adopt this initiative as law, which contains the following elements:

1. All handguns are required to be registered with the Attorney General by November 2, 1983, one year after this initiative becomes law, and authority is removed from the Legislature to enact laws that would ban the ownership of these registered handguns.

2. The number of handguns is limited to those in circulation in California as of April 30, 1983. Law-abiding citizens can still purchase handguns after that date but only from the existing supply of registered handguns. Exceptions are provided for law enforcement and other carefully selected categories, and provision is also made for replacement of old handguns with new ones.

3. The Legislature will be prohibited from enacting any additional regulations beyond those existing on November 2, 1982 restricting the ownership of long rifles and shotguns by law-abiding citizens.

4. Mandatory jail sentences will be required for people who carry unregistered concealed handguns in public or who engage in black market profiteering from the sale of illegal handguns.

SECTION 2. Section 12001.1 is added to the Penal Code to read:

12001.1 (a) As used in this Chapter, the term "concealable firearm" means any pistol, revolver or other firearm capable of being concealed upon the person as defined in Section 12001.

(b) As used in this Chapter, the term "shotgun or long rifle" means any shotgun or rifle as defined in Title 18 of the United States Code, Section 921(a)(5), (7).

(c) As used in this Chapter, the terms "dealer," "licensed dealer," and "licensed gun dealer" mean any person licensed pursuant to Section 12001.1.

(d) As used in this Chapter, the term "licensed manufacturer" means any firearms manufacturer licensed pursuant to Title 18 of the United States Code, Section 922.

SECTION 3. Section 12001.2 is added to the Penal Code to read:

12001.2 (a) Under no circumstances shall the legislature pass any law in addition to those existing on November 2, 1982 which would ban ownership or sale or require the registration of shotguns or long rifles, except with respect to persons with a criminal conviction or history of mental instability.

(b) Under no circumstances shall the legislature pass any law prohibiting the ownership of concealable firearms lawfully registered in accordance with this Chapter except with respect to persons with a criminal conviction or history of mental instability.

SECTION 4. Section 12006 of the Penal Code is amended to read:

12006. Section 12025 shall not be construed to prohibit any citizen of the United States over the age of 18 years who resides or is temporarily within this State, and who is not within the excepted classes prescribed by Section 12021, from owning, possessing, or keeping within his place of residence or place of business any pistol, revolver, or other firearm capable of being concealed upon the person; and no permit or license to purchase, own, possess, or keep any such firearm at his place of residence or place of business shall be required of him.

SECTION 5. Section 12028 of the Penal Code is amended to read:

12028. (a) The unlawful concealed carrying upon the person or within the vehicle of the carrier of any of the weapons mentioned in Section 653k, 12020, or 12025 is a nuisance.

(b) A firearm of any nature used in the commission of any misdemeanor as provided in this code or any felony, or an attempt to commit any misdemeanor as provided in this code or any felony, is, upon a conviction of the defendant, a nuisance.

(c) Any weapon described in subdivision (a), or, upon conviction of defendant, any weapon described in subdivision (b), shall be surrendered to the sheriff

of a county or the chief of police or other head of a municipal police department of any city or city and county. The officers to whom the weapons are surrendered, except upon the certificate of a judge of a court of record, or of the district attorney of the county, that the retention thereof is necessary or proper to the ends of justice, may annually, between the 1st and 10th days of July, in each year, offer the weapons, which the officers in charge of them consider to have value with respect to sporting, recreational, or collection purposes, for sale at public auction to persons licensed under federal law to engage in businesses involving any weapon purchased. If any weapon has been stolen and is thereafter recovered from the thief or his transferee, or is used in such a manner as to constitute a nuisance pursuant to subdivision (a) or (b) without the prior knowledge of its lawful owner that it would be so used, it shall not be so offered for sale but shall be restored to the lawful owner, as soon as its use as evidence has been served, upon his identification of the weapon and proof of ownership and compliance with Section 12032.

(d) If, under this section, a weapon is not of the type that can be sold to the public, generally, or is not sold pursuant to subdivision (c) the weapon. Any other weapon that is a nuisance pursuant to this Section shall, in the month of July, next succeeding, be destroyed so that it can no longer be used as such a weapon or disposed of as provided for in Section 12030.

(e) (d) This section shall not apply to any firearm in the possession of the Department of Fish and Game or which was used in the violation of any provision of law, or regulation thereunder, in the Fish and Game Code.

(f) No stolen weapon shall be sold or destroyed pursuant to subdivisions (c) or (d) unless reasonable notice is given to its lawful owner, if his identity and address can be reasonably ascertained.

SECTION 6. Section 12028.5 is added to the Penal Code to read:

12028.5. Any concealable firearm possessed in violation of Section 12061 is a nuisance. Any such firearm shall be surrendered to the sheriff of a county or the chief of police or other head of a municipal police department of any city or city and county. If such firearm was stolen, reasonable notice of its recovery shall be given to its lawful owner, and it shall be restored to such owner as soon as its use as evidence has been served and upon his proof of ownership and compliance with Section 12032. Otherwise, except upon the certificate of a judge of a court of record, or of the district attorney of the county, that the retention thereof is necessary or proper to the ends of justice, such firearm shall be destroyed in the manner described in Section 12028.

SECTION 7. Section 12031.5 is added to the Penal Code to read:

12031.5. (a) Notwithstanding any other provision of law, any violation of either Section 12025 or 12031, concurrent with a violation of Section 12061, is a felony and is punishable by imprisonment in the state prison.

Except as provided in subdivision (b), but notwithstanding any other provision of law, if any person convicted of a violation of either Section 12025 or Section 12031, concurrent with a violation of Section 12061, is granted probation or the execution or imposition of sentence is suspended, it shall be a condition thereof that he or she be imprisoned for at least six months.

(b) The provision of subdivision (a) shall apply except in extraordinary cases where incarceration would result in a manifest injustice. The mere fact that an individual has no prior criminal record or has not attempted to use the unregistered firearm shall not alone be sufficient to invoke the operation of this subdivision. If the court determines that the exception created by this subdivision is applicable, it shall make written findings specifying precisely the facts and circumstances which warrant such exception. Any such determination shall be appealable to the Court of Appeal for the district where the trial was held.

(c) This Section does not prohibit the adjournment of criminal proceedings pursuant to Division 3 (commencing with Section 3000) or Division 6 (commencing with Section 6000) of the Welfare and Institutions Code.

SECTION 8. Section 12032 of the Penal Code is amended to read:

12032. Notwithstanding any provision of law or of any local ordinance to the contrary, any firearm is in the possession of any officer of the state, or of a county, city and county or city, and such firearm is an exhibit filed in any criminal action or proceeding which is no longer needed or is unclaimed or abandoned property, which has been in the possession of the officer for at least 180 days, the firearm shall be sold, or destroyed, or disposed of as provided for in Section Sections 12028 or 12030.

This section shall not apply to any firearm in the possession of the Department of Fish and Game or which was used in the violation of any provision of law, or regulation thereunder, in the Fish and Game Code.

SECTION 9. Section 12034.5 is added to the Penal Code to read: