

5-21-1999

Reapportionment And Redistricting. Independent Panel.

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BILL JONES
Secretary of State
State of California

ELECTIONS DIVISION
(916) 657-2166
1500 - 11th STREET
SACRAMENTO, CA 95814
Voter Registration Hotline
1-800-345-VOTE
For Hearing and Speech Impaired
Only
1-800-833-8683
e-mail: comments@ss.ca.gov

March 29, 2000

#838

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS AND F. RECEIVED
PROPOSERS (00112)

FROM: *Deirdre Avent*
DEIRDRE AVENT
Elections Analyst

APR 11 2000
LIBRARY
RECEIVED

Oops!! In looking through our file on initiative **#838 – REAPPORTIONMENT AND REDISTRICTING. INDEPENDENT PANEL. INITIATIVE CONSTITUTIONAL AMENDMENT.**, I find no record of a CC/ROV memo going out on the status of #838.

Therefore, pursuant to Elections Code section 9030(b), you are hereby notified that the total number of signatures to the hereinafter named proposed **INITIATIVE CONSTITUTIONAL AMENDMENT** filed with all county elections officials is less than 100 percent of the number of qualified voters required to find the petition sufficient; therefore, the petition has **failed**.

TITLE: REAPPORTIONMENT AND REDISTRICTING. INDEPENDENT PANEL

SUMMARY DATE: May 20, 1999

PROPOSER: Oliver W. Speraw

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BILL JONES
Secretary of State
State of California

May 20, 1999

ELECTIONS DIVISION
(916) 657-2166
1500 - 11th STREET
SACRAMENTO, CA 95814
Voter Registration Hotline
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For Hearing and Speech Impaired
Only
1-800-833-8683
e-mail: comments@ss.ca.gov

TO: ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENTS (99091)

FROM:

Deirdre Avent

DEIRDRE AVENT
ELECTIONS ANALYST

SUBJECT: INITIATIVE #838

RECEIVED

MAY 25 1999

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Pursuant to Elections Code section 336, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed initiative measure entitled:

**REAPPORTIONMENT AND REDISTRICTING. INDEPENDENT PANEL.
INITIATIVE CONSTITUTIONAL AMENDMENT.**

The proponent of the above-named measure is:

Oliver W. Speraw
415 Mainsail Road
Oceanside, CA 92054
(760) 439-5199

#838
REAPPORTIONMENT AND REDISTRICTING. INDEPENDENT PANEL.
INITIATIVE CONSTITUTIONAL AMENDMENT.

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required: 670,816
California Constitution, Article II, Section 8(b)
2. Official Summary Date:..... Friday, 05/21/99
Elections Code section (EC§) 336
3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (EC §336) Friday, 05/21/99
 - b. Last day Proponent can circulate and file
with the county. All sections are to be filed at the
same time within each county (EC §336, 9030(a)) Monday, 10/18/99
 - c. Last day for county to determine total number of
signatures affixed to petitions and to transmit total
to the Secretary of State (EC §9030(b))..... Thursday, 10/28/99

(If the Proponent files the petition with the county on a date prior to 10/18/99,
the county has eight working days from the filing of the petition to determine the
total number of signatures affixed to the petition and to transmit the total to the
Secretary of State) (EC §9030(b)).
 - d. Secretary of State determines whether the total number
of signatures filed with all county clerks/registrars of
voters meets the minimum number of required signatures,
and notifies the counties (EC §9030(c))..... Saturday, 11/06/99*
 - e. Last day for county to determine total number of qualified
voters who signed the petition, and to transmit certificate
with a blank copy of the petition to the Secretary of State
(EC §9030(d)(e)) Wednesday, 12/22/99

* Date varies based on receipt of county certification.

INITIATIVE #838

Circulating and Filing Schedule continued:

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 11/06/99, the last day is no later than the thirtieth day after the county's receipt of notification). (EC §9030(d)(e)).

- f. If the signature count is more than 737,898 or less than 637,275 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 637,275 and 737,898 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures (EC §9030(f)(g); 9031(a)) Saturday, 01/01/00*

- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State. (EC §9031(b)(c)). Monday, 02/14/00

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 01/01/00, the last day is no later than the thirtieth working day after the county's receipt of notification) (EC §9031(b)(c)).

- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient (EC §9031(d); 9033).....Friday, 02/18/00*

NOTE TO PROPONENTS WHO WISH TO QUALIFY FOR THE MARCH 7, 2000 PRESIDENTIAL ELECTION: This initiative must be certified for the ballot 131 days before the election (October 28, 1999). Please remember to time your submissions accordingly. For example, in order to allow the maximum time permitted by law for the random sample verification process, it is suggested that proponents file their petitions to county elections officials by August 20, 1999. If a 100% check of signatures is necessary, it is advised that the petitions be filed by June 30, 1999.

* Date varies based on receipt of county certification.

IMPORTANT POINTS

- California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fundraising or requests for support. Any such misuses constitutes a crime under California law. Elections Code section 18650; *Bilofsky v. Deukmejian* (1981) 123 Cal. App. 3d 825, 177 Cal. Rptr. 621; 63 Ops. Cal. Atty. Gen. 37 (1980).
- Please refer to Elections Code sections 100,101,104,9001, 9008, 9009, 9021, and 9022 for appropriate format and type consideration in printing, typing and otherwise preparing your initiative petition for circulation in printing, typing and otherwise preparing your initiative petition for circulation and signatures, Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- Your attention is directed to the campaign disclosure requirements of the **Political Reform Act of 1974**, Government Code section 81000 et seq. A brief summary is attached for your reference.
- When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- When filing the petition with the county elections official, please provide a blank petition for elections official use.

Enclosures

BILL LOCKYER
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550
Public: (916) 445-9555

Facsimile: (916) 323-2137
(916) 324-5490

May 21, 1999

FILED
In the office of the Secretary of State
of the State of California

MAY 21 1999

Bill Jones
Secretary of State
1500 - 11th Street, 5th Floor
Sacramento, California 95814

BILL JONES, Secretary of State

By *Judith Arent*
Deputy Secretary of State

RE: INITIATIVE TITLE AND SUMMARY
SUBJECT: REAPPORTIONMENT AND REDISTRICTING. INDEPENDENT PANEL.
INITIATIVE CONSTITUTIONAL AMENDMENT.
FILE NO: SA1999RF0011

Dear Mr. Jones:

Pursuant to the provisions of sections 9004 and 336 of the Elections Code, you are hereby notified that on this day we mailed to the proponents of the above-identified proposed initiative our title and summary.

Enclosed is a copy of our transmittal letter to the proponent, a copy of our title and summary, a declaration of service thereof, and a copy of the proposed measure.

According to information available in our records, the name and address of the proponent is as stated on the declaration of service.

Sincerely,

Handwritten signature of Connie Lemus in cursive.

CONNIE LEMUS
Initiative Coordinator

For **BILL LOCKYER**
Attorney General

CL:fec
Enclosures

Date: May 21, 1999
File No.: SA1999RF0011

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

**REAPPORTIONMENT AND REDISTRICTING. INDEPENDENT PANEL. INITIATIVE
CONSTITUTIONAL AMENDMENT.** Revises post-census reapportionment process for Senate, Assembly, Board of Equalization, and Congressional districts. Transfers redistricting authority from Legislature to three "Citizen Masters" drawn from pool of qualified, nonpartisan retired judges and assisted by demographic experts and staff. Requires noticed, open public meetings. Ties districts to whole census tracts. Requires that Senate and Board of Equalization districts correspond to contiguous Assembly districts. Prohibits consideration of voting registrations, voting patterns, and electors' and incumbents' residences. Provides that challenges must be filed in Supreme Court within 30 days after boundary adjustments. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: This measure could result in net costs or net savings, depending on the cost of the work by the new Citizen Masters in comparison to the costs for work by the Legislature under the current requirements. The net fiscal effect is unknown, but probably not significant.

SA1999RF0011

Oliver W. Speraw

March 31, 1999

RECEIVED

APR -1 1999

The Honorable Bill Lockyer
Attorney General
Attn: Initiative Coordinator Connie M. Lemus
1300 I Street, 17th Floor
Sacramento, California 95814

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Via Federal Express
UPS

Re: Request for Initiative Title and Summary

Dear Mr. Lockyer:

Pursuant to Elections Code sections 9002 and 9004, enclosed is a proposed initiative measure to be submitted to the voters, and the required check in the amount of \$200. Please review the proposed text and prepare a title and summary for the measure.

My voter registration address is attached to assist you in verifying my original signature that appears below.

Thank you for your assistance.

Sincerely,


Oliver W. Speraw

Enclosures: Proponent's Voter Registration Address

Text of Proposed Initiative

\$200 Money Order

Oliver W. Speraw
415 Mainsail Road
Oceanside, CA 92054

Phone (760-439-5199)
E-mail <olliesperaw@home.com>

A CONSTITUTIONAL INITIATIVE

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

This initiative measure expressly amends the California Constitution by amending and adding sections thereto. Existing provisions proposed to be deleted are printed, as shown here, in ~~strikeout-type~~. New provisions proposed to be added are printed, as shown here, in *italic type*.

THE POLITICAL REFORM ACT OF 2000

This measure shall be known and may be cited as "The Political Reform Act of 2000."

SEC. 2. - Findings and Declarations.

The people find and declare as follows:

- (a) Fair reapportionment and redistricting are essential to a representative democracy.
- (b) The fair redrawing of legislative boundary lines promotes competition for elective office, strengthens the political power of voters, and affirms public confidence in government.
- (c) To reduce the appearance of corruption and to promote a fair redrawing of legislative boundary lines, districts should not be drawn for the purpose of favoring any political party or incumbent. Permitting legislators to draw their own districts is an inherent conflict of interest which encourages political gerrymandering and discourages competition.
- (d) Openness and accountability in government demand that the process of redistricting be conducted in an impartial public process implemented by an independent team of demographic experts and Citizen Masters.

SEC. 3

Section 1 of Article XXI 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~~ *Citizen Masters and up to five demographic experts as provided in this Article*, 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 violating the requirements of any other subdivision of this section.
- (f) *Each Senate district shall consist solely of two (2) contiguous Assembly districts and each Board of Equalization district shall consist solely of ten (10) contiguous Senate districts.*
- (g) *Except as required to meet federal constitutional population standards, districts shall be comprised of whole census tracts.*

(h) The only authorized data to be used for constructing districts shall be the population data for California as reported by the United States Bureau of the Census. The use of data or programs which profiles voting patterns, registered voters or the residence address of any incumbent officeholder, or any other elector, is expressly forbidden.

SEC. 4

Section 2 of Article XXI is added as follows:

Section 2. On or before December 31 of each year in which the national census is taken, the Judicial Council shall develop a list of potential persons to serve as Citizen Masters by inquiring of all retired justices of the Supreme Court and Courts of Appeal and of all retired judges of the Superior Court as to whether or not they consent to serve as a Citizen Master if selected. Any person consenting to serve as a Citizen Master shall declare under penalty of perjury that he or she (i) was not retired or removed from judicial office by the Supreme Court in accordance with Article VI, section 18; (ii) served as a judge in California for seven (7) years or longer; (iii) resides in and is registered to vote in the State of California; (iv) has never held a partisan public office or served as an officer of any political party; (v) has not, within the past five (5) years, received compensation from any source for the purpose of influencing any member of the California Legislature, the United States Congress or the Board of Equalization; and (vi) is able to perform the duties of Citizen Master in a nonpartisan and impartial manner.

SEC. 5

Section 3 of Article XXI is added as follows:

Section 3. On or before January 15 of each year following the year in which the national census is taken, the Judicial Council shall, at a public meeting announced by statewide press release, select three (3) Citizen Masters and three (3) Alternate Citizen Masters by process of randomly drawing names from the pool of potential Citizen Masters described above. If a Citizen Master is unable to serve for any reason, he or she shall immediately be replaced by one of the Alternate Citizen Masters selected at random by the Judicial Council at a noticed public meeting. Citizen Masters shall take the same oath of office as judges of the Superior Court and shall be compensated for services performed at the same daily rate as judges of the Superior Court.

SEC. 6

Section 4 of Article XXI is added as follows:

Section 4. The Judicial Council shall provide such office space, equipment, staff and up to five demographic experts as may be requested by the Citizen Masters. No person who, within the last five (5) years, has been employed or retained by any political party or any candidate for partisan public office, or who served as an employee or consultant to either house of the Legislature shall be eligible to serve the Citizen Masters as staff or as a demographic expert. Any demographic expert must provide the Citizen Masters with proof that he or she has special knowledge, skill, experience, training or education. The credentials of each person selected as a demographic expert shall be made public and available on the Internet. The legislature shall appropriate such funds as may be reasonably necessary to implement this article.

SEC. 7

Section 5 of Article XXI is added as follows:

Section 5. Within thirty (30) days after their selection the Citizen Masters shall meet to organize and to adopt a timetable and meeting schedule for the completion of preliminary and final adjustments of boundary lines. The preliminary adjustments shall be developed by the demographic experts and presented to the Citizen Masters together with any criteria used to develop the adjustments. Upon presentation to the Citizen Masters, the preliminary adjustments and the criteria used to develop such adjustments shall be made public and available on the Internet for not less than sixty (60) days prior to the adoption of the final adjustments. Public hearings shall be held in the Counties of San Francisco, Sacramento, Fresno, Los Angeles and San Diego between the time the preliminary adjustments are presented and the adoption of the final adjustments to take testimony from citizens and other interested parties. Thereafter, the Citizen Masters shall consider any amendments to the preliminary adjustments and, by majority vote, adopt the final adjustments of boundary lines. The final adjustments of boundary lines shall be adopted no later than 180 days prior to the next statewide primary election. All meetings of the Citizen Masters and all meetings of the demographic experts shall be noticed and open to the public.

SEC. 8

Section 6 of Article XXI is added as follows:

Section 6. Upon adoption by the Citizen Masters the final adjustments shall immediately be filed with the Secretary of State whereupon they shall take effect. The Supreme Court shall have exclusive jurisdiction to hear any petition challenging the final adjustments. However, any such petition must be filed within thirty (30) days of the final adjustments being filed with the Secretary of State. In the event any final adjustment or any part thereof is declared by the Supreme Court to be inoperable, the Citizen Masters shall prepare a new final adjustment, or part thereof, in accordance with this Article. In the event that no petition is filed with the Supreme Court, the Citizen Masters' terms shall expire 30 days after the effective date of any final adjustment.

SEC. 9 - Severability

If any provision of this act, or part thereof, is for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect, and to that end all provisions contained herein are severable.