

3-2-2000

Redistricting Commission. Election Districts.

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Redistricting Commission. Election Districts. California Initiative 895 (2000).
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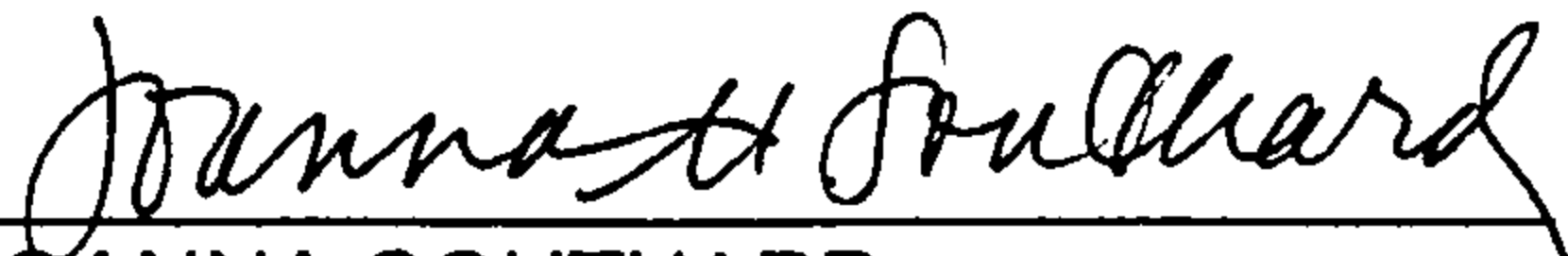


BILL JONES
Secretary of State
State of California

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 2, 2000

TO: ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENTS (00081)

FROM: 
JOANNA SOUTHARD
ELECTIONS ANALYST

SUBJECT: **INITIATIVE #895**

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:

**REDISTRICTING COMMISSION.
ELECTION DISTRICTS.
INITIATIVE CONSTITUTIONAL AMENDMENT.**

The proponent of the above-named measure is:

Paul Rolf Jensen
Jensen & McIntosh
1201 South Hacienda Boulevard
Hacienda Heights, CA 91745

(626) 369-8722

RECEIVED
MAR 07 2000
DEPT. OF STATE



#895
REDISTRICTING COMMISSION.
ELECTION DISTRICTS.
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:..... Thursday, 03/02/00
Elections Code section (EC§) 336

3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (EC §336) Thursday, 03/02/00

 - 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, 07/31/00*

 - 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, 08/10/00

(If the Proponent files the petition with the county on a date prior to 07/31/00,
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, 08/19/00**

- 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))..... Monday, 10/02/00

* Date adjusted for official deadline which falls on Sunday (EC §15).

** Date varies based on receipt of county certification.

INITIATIVE #895

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 08/19/00, 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)) Thursday, 10/12/00*
- 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)). Tuesday, 11/28/00

(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 10/12/00, 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)..... Saturday, 12/02/00*

* 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 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



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

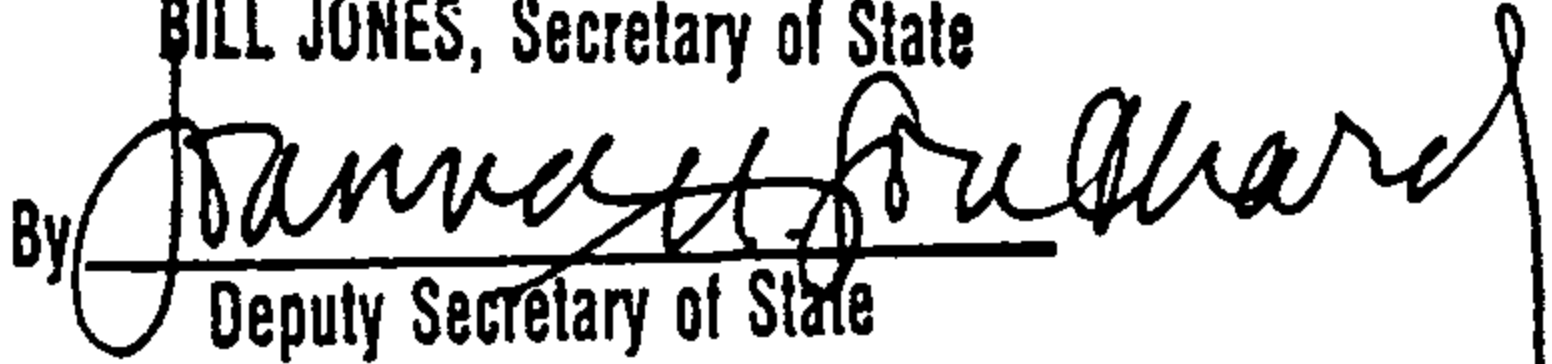
Facsimile: (916) 324-8835
(916) 324-5490

March 2, 2000

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

MAR 02 2000

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

BILL JONES, Secretary of State
By 
Deputy Secretary of State

RE: Initiative Title and Summary
SUBJECT: REDISTRICTING COMMISSION. ELECTION DISTRICTS. INITIATIVE
CONSTITUTIONAL AMENDMENT.
FILE NO: SA1999RF0072 (Amendment #2-S)

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 our title and summary to the proponent of the above-identified proposed initiative.

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,



TRICIA KNIGHT
Initiative Coordinator

For ~ BILL LOCKYER
Attorney General

TK:ms
Enclosures

Date: March 2, 2000
File No: SA1999RF0072
(Amendment # 2-S)

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

REDISTRICTING COMMISSION. ELECTION DISTRICTS. INITIATIVE

CONSTITUTIONAL AMENDMENT. Creates five-member commission to redraw district boundaries for Congress, State Assembly and Senate, Board of Equalization promptly after each federal census. Commission members appointed by Assembly Speaker, Senate President Pro Tempore, leader of largest minority party in each house; four members select fifth member (Chair). Disqualifies current lobbyists and persons recently seeking or holding elective office. Prohibits district adjustments based on incumbents' residences or voters' political affiliations, race, ethnicity, national origin, unless required by federal law. Requires geographically compact districts. Permits Legislature to reject redistricting plans by three-fourths vote of both houses.

Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: This measure would result in additional costs to the State for the commission to develop reapportionment plans every ten years. These costs are probably in the range of up to several million dollars, and would depend on a number of factors, including the costs to the commission to obtain and analyze data and compensate the members.

Jensen & McIntosh
Attorneys and Counsellors at Law
1201 SOUTH HACIENDA BOULEVARD
HACIENDA HEIGHTS, CALIFORNIA 91745
(626) 369-8722
FAX: (626) 333-9151

Via Telecopier #916 323 2137
Transmitted at 2:05 p.m. Pacific time

Via FedEx #8187 4290 1033

RECEIVED

JAN 07 2000

7 January 2000

State of California
Department of Justice
Attn.: Diane Calkins, Initiative Coordinator
1300 "I" Street, Room 125
Sacramento, California 95814

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

RE: Your File #SA1999RF0072

Dear Ms. Calkins:

Yesterday, when we spoke, we discussed my submitting changes to the initiative I have proposed, and indeed, yesterday I faxed you new language which had been completely revised. You also graciously indicated that if further revisions were desired, they could be submitted today, providing they were sent today to you by both fax and overnight delivery of the originals. Indeed, such revisions today became necessary.

Accordingly, I herewith enclose and fax the FINAL substantive revisions that I will propose. These are set forth in a new complete and clean text that should entirely replace both prior versions. I reiterate: all previous versions should be discarded; the version enclosed should take precedence.

I also enclose and transmit a new summary for your further consideration.

Thank you again for your courtesy; please accept my apologies for any inconvenience these revisions may cause you.

Sincerely yours,



PAUL ROLF JENSEN
Attorney at Law

Section 1. This measure shall be known as the California Redistricting Commission Amendment.

Section 2. Article XXI of the California Constitution is hereby restated and amended as follows:

“Section 1. In the year following the year in which the national decennial census is taken under the direction of Congress at the beginning of each decade, the Legislature shall establish a Redistricting Commission to prepare and propose plans to adjust the boundary lines of California's 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 and reasonably compact geographically.
- (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 federal law or any other subdivision of this section.
- (f) In adjusting district boundaries, the political affiliation of voters, voting data from previous elections, the location of incumbents' residences, and voters' race, ethnicity and national origin shall be disregarded, except to the extent federal law requires otherwise.

Section 2. Membership of the Commission

- (a) Appointment. The California Redistricting Commission shall be appointed no sooner than the first day of the next legislative session following the Decennial Census Day, and not later than 15 days after the release by the United States Bureau of the Census, or its successor agency, of the results for the State of California of the national decennial census. The members shall be appointed as follows: one member by the Speaker of the Assembly, one member by the Leader of the largest minority party in the Assembly, one member by the President Pro Tempore of the Senate, and one member by the Leader of the largest minority party in the Senate. Not later than 30

days after all four members have been so appointed, the members shall elect a fifth member by majority vote, who shall chair the commission. In the event of failure of the four appointed members to elect a fifth member by that date, one of the four members shall be chosen by lot to chair the commission, and its membership shall remain thereafter at four. The selection by lot shall be publicly made by the Speaker of the Assembly on the first Monday following the thirtieth day after all four members have been appointed.

(b) *Disqualifications.* No person shall be eligible to serve on the commission who has sought or held elective office at any time during the four years immediately preceding appointment or who has been employed as a registered lobbyist for the one year immediately preceding appointment. No commissioner may be employed as a registered lobbyist while serving on the commission or for the one year immediately following the last date of service on the commission; and no commissioner may seek state elective office while serving on the commission, or at any time during the four years following the last date of service on the commission. A member's right to seek federal elective office during the four years immediately following the last date of service on the commission shall be restricted to the fullest extent consistent with federal law.

(c) *Vacancies.* In the event of a vacancy occurring on the commission because of the death or physical incapacity of any of its members, the vacancy shall be filled in the way that the deceased or incapacitated member was originally selected, and if the vacancy is that of the chairperson, a new chairperson shall be elected by a majority of the remaining members, and if no new chairperson is so elected within 15 days of the occurrence of the vacancy, then on the next business day following the fifteenth day after the occurrence of the vacancy, the chairperson shall be selected by lot by the Speaker of the Assembly as provided above.

Section 3. Within 90 days after the release by the United States Bureau of the Census, or its successor agency, of the results for the State of California of the national decennial census, the commission shall release its proposals for all redistricting plans for a 30-day public comment period. The commission may hold public hearings during the comment period if it deems hearings advisable.

Section 4. No action shall be taken by the commission, including approval of any redistricting plan, without an affirmative vote of at least three members of the commission.

Section 5. A redistricting plan approved by the commission shall be submitted to the legislature for its consideration. Unless disapproved by the legislature within 15 days after its submission, the plan shall be transmitted to the Secretary of State. Disapproval by the legislature shall require a vote of

three-fourths of the members of both Houses. If a plan approved by the commission is thereafter disapproved by the legislature, the Legislature shall immediately notify the commission thereof, and within 30 days thereafter, the commission shall prepare a replacement plan which shall be subject to public comment for 30 days, and thereafter shall be transmitted to the Legislature. If the replacement plan submitted to the Legislature is not disapproved within 15 days after its submission by a three-fourths vote of the members of both Houses, the replacement plan shall be transmitted to the Secretary of State; but if disapproved by the Legislature, the replacement plan shall be returned to the Commission for it to prepare a further replacement plan.

Section 6. Upon receipt by the Secretary of State of a plan that has not been disapproved by the Legislature, that plan shall take effect as of the date of its receipt by the Secretary of State, unless the plan is subject to preclearance under Section 5 of the Voting Rights Act, 42 U.S.C. §1973c, in which case the plan will become effective when precleared under the Voting Rights Act.

Section 7. Notwithstanding any other provision of this Article herein contained, the legislative process for redistricting shall be deemed deadlocked as to any plan that shall not have become effective by midnight on the 212th day following the day on which the national decennial census data for the State of California was released by the United States Bureau of the Census or its successor agency.

Section 8. The Legislature shall appropriate such funds as the commission may reasonably require for the efficient performance of the commission's duties, including but not limited to hiring of staff and acquiring office space, office equipment, and computer hardware and software. The Legislature shall provide compensation and expense reimbursement to commission members during periods of active service on the commission. Such compensation shall be reasonable in relation to the duties to be performed by members of the commission and the compensation provided to members of comparable state commissions.

Section 9. The term of any commission established under this Article, or of any commissioner serving thereon, shall expire at the expiration of the legislative session in which the commission was first constituted.

Section 10. A plan that takes effect pursuant to this Article shall remain in effect until after the next national decennial census and the approval of a new plan pursuant to this Article. If for any reason a plan is set aside by final order of any court of competent jurisdiction, a replacement plan shall be prepared by the redistricting commission and approved pursuant to this Article; but if the term of the commission which drew this plan shall have expired, a new commission shall be appointed within 15 days following the day on which any such court order is filed. Should no such replacement plan have taken effect by midnight on the 212th day following the day on which any such court order is filed, the legislative process shall be deemed deadlocked."

Section 3. If any part of this measure 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.

