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Reapportioning Election Districts. Congressional Exception. Initiative Constitutional Amendment.

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SA2005RF0035

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January 18, 2005

Ms. Tricia Knight
Initiative Coordinator
Office of the Attorney General
State of California
PO BOX 994255
Sacramento, CA 94244-25550

RECEIVED
JAN 18 2005

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Re: Request for Title and Summary for Proposed Ballot Measure

Dear Ms. Knight:

Pursuant to Article II, Section 10(d) of the California Constitution, we are submitting the attached proposed statewide ballot measure to your office and request that you prepare a title and summary of the measure as provided by law. Included with this submission is the required proponent affidavit signed by the proponent(s) of this measure pursuant to section 9608 of the California Elections Code. We have also included a check to cover the \$200 filing fee.

Thank you for your time and attention to this matter. If you require additional information or have any questions, please feel free to contact me at 921 11th Street, Suite 400, Sacramento, CA 95814, (916)-444-1502.

Sincerely,

David A. Gilliard

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO VOTERS

SECTION 1. Findings and Declarations of Purpose

The People of the State of California find and declare that:

a) Our State Legislature should be responsive to the will of the voters, but existing law places the power to draw the very districts in which legislators are elected, in the hands of incumbent state legislators, who then choose their voters, which is a conflict of interest.

(b) Legislator's self-interest in drawing their own districts has resulted in partisan gerrymandering, uncompetitive districts, and a growing division between the interests of the People of California and their elected representatives.

(c) The redistricting plans adopted by the California Legislature in 2001 produced an unprecedented number of uncompetitive districts, serve incumbents and not the People, and are repugnant to the People. The gerrymandered districts of 2001 resulted in not a single change in the partisan composition of the California Legislature in the 2004 elections.

(d) The experience of the 1970's and 1990's demonstrates that impartial special masters, who are retired judges independent of partisan politics and the Legislature, can draw fair and competitive districts by virtue of their judicial training and judicial temperament.

(e) The redistricting process must assure that districts are drawn in a fair and nonpartisan manner, that voters are empowered to choose their representatives, that the process be open to public scrutiny and free of conflicts of interest, and that the system embody the principle that government derives its power from the consent of the governed.

Therefore, the People of the State of California hereby adopt the "Redistricting Reform and Voter Empowerment Act."

SECTION 2. Fair Redistricting

(a) Except as provided in subdivision (f), 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 ~~Legislature shall adjust the~~ boundary lines of the ~~Senatorial~~ Senate, Assembly, ~~Congressional~~ Congressional, and Board of Equalization districts shall be adjusted 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 this article.~~

(b) On or before February 1 of the year following the year in which the national census is taken, the Judicial Council shall appoint, following the procedure set forth in subdivision (c), a three-member panel of special masters to prepare a plan to adjust the boundary lines of the Senate, Assembly, congressional, and Board of Equalization districts. Only retired state judges or federal judges

who have served in federal courts in California and have retired or taken senior status, have never held a partisan political office, and have not changed their party affiliation, as declared on their voter registration affidavit, in the preceding five years, are qualified to serve as special masters. A judge, before commencing to serve as a special master, must pledge in writing that he or she will not accept an appointment to any elective government position, or seek election to a partisan political office, for at least five years from the date his or her service as a special master is concluded.

(c) The Judicial Council shall identify qualified judges willing to serve as special masters. From the list of qualified nominees the Judicial Council shall then select, at random, three persons to serve as special masters and three alternates. If the council selects three special masters who are registered to vote as members of a single political party, or a panel in which none of the special masters belongs to the State's two largest political parties, then the council shall excuse one member of the panel by lot and randomly select and excuse new special masters until a panel is selected consisting of members registered with two or more political parties and with at least one member belonging to each of the State's two largest political parties.

(d) The special masters selected shall not receive compensation for their services, but are entitled to reimbursement for their actual and necessary travel and other expenses incurred in the discharge of their duties. The term of the special masters' service shall expire upon the filing of a plan with the Secretary of State or upon discharge of the special masters by the Judicial Council pursuant to subdivision (e). The Legislature shall make appropriations from the Legislature's operating budget, as limited by Section 7.5 of Article IV, to fund expenses incurred by the panel to employ counsel, independent experts in the field of redistricting and computer technology, and other necessary personnel to assist it in its work.

(e) The panel of special masters shall establish a public schedule and deadline to receive and consider proposed plans from any Member of the Legislature or any elector. A Member of the Legislature may submit more than one plan and may submit a plan drafted by any elector or public interest group. The panel shall hold public hearings in no fewer than six different geographical regions of the State to consider redistricting plans. The public hearings shall be held before an initial set of maps is developed or selected, and again, after an initial plan for districts is selected by the panel, at least two weeks after the plan is released for review by the public. Additional public hearings shall be held if any significant revisions are made to the plan. The panel of special masters shall then approve a plan and file the plan with the Secretary of State. Once the plan is filed with the Secretary of State, it shall apply to all future elections set to take place 131 or more days after the plan is approved until an adjustment of new boundaries is required. If the panel of special masters fails to approve a plan, the Judicial Council shall discharge the panel of special masters and appoint a new panel, following the procedure set forth in subdivision (c).

(f) Notwithstanding subdivision (a), within 20 days following the election at which the amendments adding this subdivision are approved, the Judicial Council shall select a panel of special masters to approve a plan to adjust the boundary lines of the Senate, Assembly, and Board of Equalization districts in the manner otherwise provided by this article.

Second--That Section 2 is added to Article XXI thereof, to read:

SEC. 2. (a) Each Member of the Senate, Assembly, Congress, and the Board of Equalization shall be elected from a single-member district. Districts of each type shall be numbered consecutively commencing at the northern boundary of the state and ending at the southern boundary.

(b) The population of all districts of a particular type shall be as nearly equal as practicable. For congressional districts, the population deviation between districts shall not exceed federal constitutional standards. For Senate, Assembly, and Board of Equalization districts, the population deviation between districts of the same type shall not exceed 1 percent.

(c) Every district shall be contiguous and as compact as practicable. With respect to compactness, to the extent practicable a contiguous area of population shall not be bypassed to incorporate an area of population more distant.

(d) Each Board of Equalization district shall be comprised of 10 contiguous Senate districts. Each Senate district shall be comprised of two contiguous Assembly districts.

(e) District boundaries shall conform to existing geographic boundaries of a county, city, or city and county, and shall preserve identifiable communities of interest to the greatest extent possible. A redistricting plan shall not cross any common county boundary more than once and shall create the most whole counties and the fewest county fragments possible, except as necessary to comply with the requirements of any other subdivision of this section.

(f) Consideration shall not be given as to the potential effects on incumbents or political parties. Data regarding party affiliation or the voting history of electors shall not be used in the preparation of plans.

(g) To the extent possible, district boundaries shall be drawn to ensure a level of competitiveness that would result in a difference of no more than seven percentage points between the number of voters in each district who are registered with the two largest political parties in the State.

Third--That Section 3 is added to Article XXI thereof, to read:

SEC. 3. Any elector may bring an action directly to the California Supreme Court alleging that a law establishing or changing boundaries of any Senate, Assembly, congressional, or Board of Equalization district does not comply with the requirements of this article. An action filed with the Supreme Court pursuant to this section must be filed within 30 days of the enactment of the challenged law. The Supreme Court shall render a decision within 60 days after the filing of a petition and the Court's failure to do so shall constitute a denial of the petition. If the Supreme Court finds a redistricting plan to be in violation of this article, it shall order that a new plan be adopted pursuant to this article.

Fourth--That Section 4 is added to Article XXI thereof, to read:

SEC. 4. If any section, part, clause, or phrase of this article is for any reason held to be invalid or unconstitutional, the remainder shall not be affected, but shall remain in full force and effect.