

2010

REDISTRICTING OF CONGRESSIONAL DISTRICTS

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PROPOSITION **20** REDISTRICTING OF CONGRESSIONAL DISTRICTS.
INITIATIVE CONSTITUTIONAL AMENDMENT.

OFFICIAL TITLE AND SUMMARY

PREPARED BY THE ATTORNEY GENERAL

REDISTRICTING OF CONGRESSIONAL DISTRICTS. INITIATIVE CONSTITUTIONAL AMENDMENT.

- Removes elected representatives from the process of establishing congressional districts and transfers that authority to the recently-authorized 14-member redistricting commission.
- Redistricting commission is comprised of five Democrats, five Republicans, and four voters registered with neither party.
- Requires that any newly-proposed district lines be approved by nine commissioners including three Democrats, three Republicans, and three from neither party.

Summary of Legislative Analyst’s Estimate of Net State and Local Government Fiscal Impact:

- No significant net change in state redistricting costs.

ANALYSIS BY THE LEGISLATIVE ANALYST

This measure takes the responsibility to determine boundaries for California’s congressional districts away from the State Legislature. Instead, the commission recently established by voters to draw district boundaries of state offices would determine the boundaries of congressional districts.

BACKGROUND

In a process known as “redistricting,” the State Constitution requires that the state adjust the boundary lines of districts once every ten years following the federal census for the State Assembly, State Senate, State Board of Equalization (BOE), and California’s congressional districts for the U.S. House of Representatives. To comply with federal law, redistricting must establish districts which are roughly equal in population.

Recent Changes to State Legislature and BOE Redistricting. In the past, district boundaries for all of the offices listed above were determined in bills that became law after they were approved by the Legislature and signed by the Governor. On some occasions, when the Legislature and the Governor were unable to agree on redistricting plans, the California Supreme Court performed the redistricting.

In November 2008, voters passed Proposition 11, which created the Citizens Redistricting Commission to establish new district boundaries for the State Assembly, State Senate, and BOE beginning after the 2010 census. To be established once every ten years, the commission will consist of 14 registered voters—5 Democrats, 5 Republicans, and 4 others—who apply for the position and are chosen according to specified rules.

When the commission sets district boundaries, it must meet the requirements of federal law and other requirements, such as not favoring or discriminating against political parties, incumbents, or political candidates. In addition, the commission is required, to the extent possible, to adopt district boundaries that:

- Maintain the geographic integrity of any city, county, neighborhood, and “community of interest” in a single district. (The commission is responsible for defining “communities of interest” for its redistricting activities.)
- Develop geographically compact districts.
- Place two Assembly districts together within one Senate district and place ten Senate districts together within one BOE district.

Current Congressional Redistricting Process. Currently, California is entitled to 53 of the 435 seats in the U.S. House of Representatives. Proposition 11 did not change the redistricting process for these 53 congressional seats. Currently, therefore, redistricting plans for congressional seats are included in bills that are approved by the Legislature.

Proposition 11, however, did make some changes to the requirements that the Legislature must meet in drawing congressional districts. The Legislature—like the commission—now must attempt to draw geographically compact districts and maintain geographic integrity of localities, neighborhoods, and communities of interest, as defined by the Legislature. Proposition 11, however, does not prohibit the Legislature from favoring or discriminating against political parties, incumbents, or political candidates when drawing congressional districts.

PROPOSAL

Proposed New Method for Congressional Redistricting. This measure amends the Constitution to change the redistricting process for California's districts in the U.S. House of Representatives. Specifically, the measure removes the authority for congressional redistricting from the Legislature and instead gives this authority to the Citizens Redistricting Commission. The

commission would draw congressional districts essentially as it draws other district lines under Proposition 11. The commission, for example, could not draw congressional districts in order to favor incumbents, political candidates, or political parties. The commission also is to consider the geographic integrity of cities, counties, neighborhoods, and communities of interest. As under Proposition 11, compliance with federal law would be required.

“Community of Interest” Defined. In addition to adding similar criteria for congressional redistricting as those established in Proposition 11, the measure defines a “community of interest” for both congressional redistricting and redistricting of State Assembly, State Senate, and BOE seats. A community of interest is defined as “a contiguous population which shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation.”

Two Redistricting-Related Measures on This Ballot. In addition to this measure, another measure on the November 2010 ballot—Proposition 27—concerns redistricting issues. Key provisions of these two propositions, as well as current law, are summarized in Figure 1. If both of these measures are approved by voters, the proposition receiving the greater number of “yes” votes would be the only one to go into effect.

Figure 1
Comparing Key Provisions of Current Law and November 2010 Propositions on the Drawing of Political Districts

	Current Law	Proposition 20	Proposition 27
Entity that draws State Assembly, State Senate, and Board of Equalization (BOE) districts	Citizens Redistricting Commission ^a	Citizens Redistricting Commission	Legislature
Entity that draws California’s congressional districts	Legislature	Citizens Redistricting Commission	Legislature
Definition of a “community of interest” ^b	Defined by Citizens Redistricting Commission/Legislature	“A contiguous population which shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation”	Determined by the Legislature

^a The commission was established by Proposition 11 of 2008.

^b Under current law and both Proposition 20 and Proposition 27, redistricting entities generally are charged with attempting to hold together a “community of interest” within a district.

FISCAL EFFECTS

Redistricting Costs Prior to Proposition 11 and Under Current Law. The Legislature spent about \$3 million in 2001 from its own budget specifically for redistricting activities, such as the purchase of specialized redistricting software and equipment. In addition to these costs, some regular legislative staff members, facilities, and equipment (which are used to support other day-to-day activities of the Legislature) were used temporarily for redistricting efforts.

In 2009, under the Proposition 11 process, the Legislature approved \$3 million from the state’s General Fund for redistricting activities related to the 2010 census. In addition, about \$3 million has been spent from another state fund to support the application and selection process for commission members. For future redistricting efforts, Proposition 11 requires the commission process to be funded at least at the prior decade’s level grown for inflation. The Legislature currently funds congressional redistricting activities within its budget.

Redistricting Costs Under This Proposal. This measure would consolidate all redistricting activity under the Citizens Redistricting Commission process established by Proposition 11 in 2008. The commission would experience increased costs

from handling congressional redistricting activities. These costs, however, would be offset by a reduction in the Legislature's redistricting costs. Any net change in future redistricting costs under this measure probably would not be significant.

★ ARGUMENT IN FAVOR OF PROPOSITION 20 ★

Proposition 20 will put an end to legislators drawing election districts for their friends in Congress—districts that virtually guarantee Members of Congress get reelected even when they don't listen to voters.

Proposition 20 will create fair congressional districts that make our congressional representatives more accountable to voters and make it easier to vote them out of office when they don't do their jobs.

Proposition 20 simply extends the redistricting reforms voters passed in 2008 (Prop. 11) so the voter-approved independent Citizens Redistricting Commission, instead of politicians, draws California congressional districts in addition to drawing state legislative districts.

The Commission is already being organized to draw fair districts. Visit the official state site to see preparations for the Citizens Redistricting Commission's redistricting in 2011 (www.wedrawthelines.ca.gov).

Proposition 20 will:

- Create fair congressional districts.
- Help make our congressional representatives more accountable and responsive to voters.
- Make it easier to vote Members of Congress out of office if they're not doing their jobs.

YES ON PROPOSITION 20: STOP THE BACKROOM DEALS

Right now, legislators and their paid consultants draw districts behind closed doors to guarantee their friends in Congress are reelected. Sacramento politicians pick the voters for their friends in Congress, rather than voters choosing who will represent them.

The Los Angeles Times and Orange County Register revealed that in the last redistricting, 32 Members of Congress and other politicians paid one political consultant over ONE MILLION dollars to draw district boundaries to guarantee their reelection!

Proposition 20 puts an end to backroom deals by ensuring redistricting is completely open to the public and transparent. Proposition 20 means no secret meetings or payments are allowed and politicians can't divide communities just to get the political outcome they want.

YES ON PROPOSITION 20: HOLD POLITICIANS ACCOUNTABLE

When politicians are guaranteed reelection, they have little incentive to work together to solve the serious problems we all face.

Proposition 20 will create fair districts so politicians will actually have to work for our votes and respond to voter needs.

"When voters can finally hold politicians accountable, politicians will have to quit playing games and work to address the serious challenges Californians face."—Ruben Guerra, Latin Business Association

The choice is simple:

GOOD GOVERNMENT GROUPS ASK YOU TO VOTE "YES" ON PROPOSITION 20 to force politicians to compete in fair districts so we can hold them accountable.

POLITICIANS WANT YOU TO VOTE "NO" ON PROPOSITION 20 so they can stifle voters' voices so we can't hold them accountable.

It's time we stand up to the politicians and special interests and extend voter-approved redistricting reforms to include Congress.

Voters already created the Commission—it's common sense to have the Commission draw congressional as well as legislative districts.

"People from every walk of life support Proposition 20 to send a message to politicians that it's time to put voters in charge and get California back on track."—Joni Low, Asian Business Association of San Diego

JOIN US IN VOTING YES ON PROPOSITION 20.
YesProp20.org

DAVID PACHECO, California President
AARP

KATHAY FENG, Executive Director
California Common Cause

JOHN KABATECK, Executive Director
National Federation of Independent Business/California

★ REBUTTAL TO ARGUMENT IN FAVOR OF PROPOSITION 20 ★

DON'T BE FOOLED—NO ON PROPOSITION 20—IT WASTES TAXPAYER DOLLARS

Perhaps Charles Munger, Junior, the sole bankroller of Prop. 20, has fooled well-meaning David Pacheco, Kathay Feng, and John Kabateck. But don't let him fool you.

Prop. 20 guarantees no level of fairness, guarantees no competitive districts, guarantees nothing—except that voters cannot hold those who draw congressional district lines accountable for what they do *AND THAT YOU, THE TAXPAYER, WILL FOOT THE BILL FOR MUNGER'S SCHEME.*

Accountability to the people is the fundamental principle of our form of government. But Prop. 20 gives a non-accountable 14-person bureaucracy even more power over the people. And, of course, this bureaucracy will cost you money.

Proponents have stated (unknowingly) the most obvious reason to vote No on 20: BELIEVE IT OR NOT, these people want to extend the travesty of the existing redistricting commission even further! Who, other than a handful of lobbyists, lawyers, and

politicians has been able to figure out the incredibly complicated labyrinth for choosing the commission?

And the bureaucrats who emerge from this wasteful inscrutable process will have absolute power over our legislative districts.

VOTERS WILL NEVER HAVE A CHANCE TO HOLD THEM RESPONSIBLE FOR WHAT THEY DO.

Our state is in crisis! Unemployment, crime, massive debt. It is time to stop nonsense political games of reapportionment.

Save taxpayer dollars, hold the power brokers accountable to the people. Vote No on Proposition 20. Vote Yes on its rival, Proposition 27.

MARK MURRAY, Executive Director
Californians Against Waste

HANK LACAYO, President
Congress of California Seniors

DANIEL H. LOWENSTEIN, Founding Chairman
California Fair Political Practices Commission

★ **ARGUMENT AGAINST PROPOSITION 20** ★

NO ON 20—it wastes taxpayer dollars and it turns back the clock on redistricting law. Proposition 20 is a disaster . . . it must be defeated.

NO ON PROPOSITION 20—IT WASTES TAXPAYER DOLLARS:

20 is the brainchild of Charles Munger, Jr.—son of multi-billionaire Wall Street tycoon Charles Munger. MUNGER JUNIOR IS THE SOLE BANK-ROLLER OF 20. (Well, four other contributors have given all of \$700.) But just for its qualification, MUNGER GAVE \$3.3 MILLION, a figure that will probably multiply many times by Election Day.

But if Proposition 20 passes, the taxpayers will start paying the bills instead of Munger Junior. Prop. 20 will cost us millions of dollars. Compare Prop. 20 with its rival, Prop. 27.

First, non-partisan experts have concluded that YES ON PROP. 27 saves taxpayer dollars:

“Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: LIKELY DECREASE IN STATE REDISTRICTING COSTS TOTALING SEVERAL MILLION DOLLARS EVERY TEN YEARS.”

Second, Prop. 20 adds to the cascade of waste that Prop. 27 would avoid. Governor Schwarzenegger has already proposed going back to the well to *double* the redistricting budget, spending MILLIONS MORE DOLLARS to draw lines for politicians while the state is facing a \$19 billion deficit.

AND NOW WITH PROP. 20, MUNGER JUNIOR WANTS TO MAKE THIS WASTEFUL BUREAUCRACY SPRAWL EVEN FURTHER AT THE EXTRA EXPENSE OF YOU, THE TAXPAYER.

NO ON PROPOSITION 20—IT MANDATES JIM CROW ECONOMIC DISTRICTS:

Proposition 20 turns back the clock on redistricting law. Inexplicably, Proposition 20 mandates that all districts (including Assembly, Senate, and Congress) must be segregated by income level. This pernicious Prop. 20 mandates that all districts be segregated according to “similar living standards” and that districts include only people “with similar work opportunities.”

“Prop. 20 is insulting to all Californians. Jim Crow districts are a thing of the past. 20 sets back the clock on redistricting law. No on 20.”—Julian Bond, Chairman Emeritus, NAACP

Jim Crow districts are a throwback to an awful bygone era. Districting by race, by class, by lifestyle or by wealth is unacceptable. Munger Junior may not want to live in the same district as his chauffeur, but Californians understand these code words. The days of “country club members only” districts or of “poor people only” districts are over. NO ON PROP. 20—all Californians MUST be treated equally.

OUR DEMOCRATIC REPUBLIC IS NOT A TOY TO BE PLAYED WITH FOR THE SELF-AGGRANDIZEMENT OF THE IDLE SECOND-GENERATION RICH.

NO ON 20, YES ON 27.

DANIEL H. LOWENSTEIN, Founding Chairman
California Fair Political Practices Commission

AUBRY L. STONE, President
California Black Chamber of Commerce

CARL POPE, Chairman
Sierra Club

★ **REBUTTAL TO ARGUMENT AGAINST PROPOSITION 20** ★

The argument against Proposition 20 is one of the most angry and over-the-top you'll ever see in the Voter Guide.

THE POLITICIANS BEHIND IT SHOULD BE ASHAMED.

They're desperate because voters can pass Proposition 20 and stop Sacramento politicians from drawing election districts to ensure their friends in Congress are reelected, even when they don't listen to voters.

That's a threat to them. Politicians will say anything to protect their “safe” seats in Congress so they're not accountable to voters.

DON'T BE MISLED BY THE POLITICIANS' BOGUS “COST” ARGUMENT.

FACT: The non-partisan state Legislative Analyst found Prop. 20 will result in “probably no significant change in redistricting costs.” Cal-Tax and other taxpayer groups support 20.

HERE'S WHY PASSING PROPOSITION 20 IS SO IMPORTANT:

FACT: In the last redistricting, Latino leaders sued after a California Congressman had 170,000 Latinos carved out of his district just to ensure he'd get reelected. Now he's leading the charge against 20!

FACT: Politicians want to defeat 20 so they can keep drawing districts that divide communities, cities and counties and dilute voters' voices—just to get safe seats.

FACT: 20 will finally put an end to the politicians' self-serving, backroom deals.

FACT: With 20, the voter-approved Citizens Redistricting Commission will draw fair congressional districts in a completely transparent manner, giving voters power to hold politicians accountable.

The California Black Chamber of Commerce, Latin Business Association, Asian Pacific Islander American Public Affairs Association all say YES on 20!

Check it out for yourself: www.YesProp20.org

ALICE HUFFMAN, President
California NAACP

JULIAN CANETE, Executive Director
California Hispanic Chambers of Commerce

RICHARD RIDER, Chairman
San Diego Tax Fighters

PROPOSITION 20

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 sections thereof; therefore, existing provisions proposed to be deleted are printed in ~~strikeout~~ type and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

THE VOTERS FIRST ACT FOR CONGRESS

SECTION 1. Title.

This act shall be known and may be cited as the “Voters FIRST Act for Congress.”

SEC. 2. Findings and Purpose.

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

(a) Under current law, California legislators draw the districts for Congress. Allowing politicians to draw these districts, to make them safe for incumbents, or to tailor the districts for the election of themselves or their friends, or to bar the districts to the election of their adversaries, is a serious abuse that harms voters.

(b) Politicians draw districts that serve their interests, not those of our communities. Cities, counties, and communities are currently split between bizarrely jagged congressional districts designed to make those districts safe for particular parties and particular incumbents. We need reform to keep our communities together so everyone has representation.

(c) This reform will make the redistricting process for Congress open so it cannot be controlled by whichever party is in power. It will give the redistricting for Congress to the independent Citizens Redistricting Commission, which already has the authority to draw the districts for the Legislature and the Board of Equalization. The membership of the commission will have three groups of members: five Democrats; five Republicans; and four members registered with neither of those parties, who will carry the voices of independent and minor-party voters who are completely shut out of the current process. The new districts will be fair because support from all three groups is required for approval of any new redistricting plan.

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

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

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

SEC. 3.1. Section 1 of Article XXI of the California Constitution is amended to read:

SECTION 1. In the year following the year in which the national census is taken under the direction of Congress at the beginning of each decade, the ~~Legislature~~ *Citizens Redistricting Commission described in Section 2* shall adjust the boundary lines of ~~congressional districts~~ *the congressional, State Senatorial, Assembly, and Board of Equalization districts (also known as “redistricting”)* in conformance with the ~~following~~ standards and process *set forth in Section 2*:

(a) ~~Each member of Congress shall be elected from a single member district.~~

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

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

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

SEC. 3.2. Section 2 of Article XXI of the California Constitution is amended to read:

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

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

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

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

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

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

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

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

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

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

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

(3) Districts shall be geographically contiguous.

(4) The geographic integrity of any city, county, city and county, *local* neighborhood, or *local* community of interest shall be respected *in a manner that minimizes their division* to the extent possible without violating the requirements of any of the preceding subdivisions. *A community of interest is a contiguous population which shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. Examples of such shared interests are those common to an urban area, a rural area, an industrial area, or an agricultural area, and those common to areas in which the people share similar living standards, use the same transportation facilities, have similar work opportunities, or have access to the same media of communication relevant to the election process.* Communities of interest shall not include relationships with political parties, incumbents, or political candidates.

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

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

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

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

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

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

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

(j) If the commission does not approve a final map by at least the requisite votes or if voters disapprove a certified final map in a referendum, the Secretary of State shall immediately petition the *California* Supreme Court for an order directing the appointment of special masters to adjust the boundary lines of that map in accordance with the redistricting criteria and requirements set forth in subdivisions (d), (e), and (f). Upon its approval of the masters' map, the court shall certify the resulting map to the Secretary of State, which map shall constitute the certified final map for the subject type of district.

SEC. 3.3. Section 3 of Article XXI of the California Constitution is amended to read:

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

(b) (1) The *California* Supreme Court has original and exclusive jurisdiction in all proceedings in which a certified final map is challenged *or is claimed not to have taken timely effect.*

(2) Any registered voter in this state may file a petition for a writ of mandate or writ of prohibition, within 45 days after the commission has certified a final map to the Secretary of State, to bar the Secretary of State from implementing the plan on the grounds that the filed plan violates this Constitution, the United States Constitution, or any federal or state statute. *Any registered voter in this state may also file a petition for a writ of mandate or writ of prohibition to seek relief where a certified final map is subject to a referendum measure that is likely to qualify and stay the timely implementation of the map.*

(3) The *California* Supreme Court shall give priority to ruling on a petition for a writ of mandate or a writ of prohibition filed pursuant to paragraph (2). If the court determines that a final

certified map violates this Constitution, the United States Constitution, or any federal or state statute, the court shall fashion the relief that it deems appropriate, *including, but not limited to, the relief set forth in subdivision (j) of Section 2.*

SEC. 4. Conflicting Ballot Propositions.

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

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

SEC. 5. Severability.

The provisions of this act are severable. If any provision of this act or its application is held to be invalid, that invalidity shall not affect other provisions or applications that can be given effect in the absence of the invalid provision or application.

PROPOSITION 21

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 adds sections to the Public Resources Code and the Revenue and Taxation Code; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

State Parks and Wildlife Conservation Trust Fund Act

The people of the State of California find and declare all of the following:

- (1) California’s natural resources and wildlife must be preserved and protected for future generations.
- (2) The California state park system is essential to protecting these resources for the people of California. Along with the wildlife protection and conservation agencies of the state, the state park system is responsible for preserving the state’s unique wildlife, natural lands, and ocean resources.
- (3) Persistent underfunding of the state park system and wildlife conservation has resulted in a backlog of more than a billion dollars in needed repairs and improvements, and threatens the closure of parks throughout the state and the loss of protection for many of the state’s most important natural and cultural resources, recreational opportunities, and wildlife habitat.
- (4) California’s state park system benefits all Californians by providing opportunities for recreation, nature education, and preservation of cultural and historic landmarks, and by protecting

natural resources that improve the state’s air and water quality.

(5) Californians deserve a world-class state park system that will preserve and protect the unique natural and cultural resources of the state for future generations.

(6) Rebuilding the state park system and protecting the state’s wildlife resources will grow California’s economy and create jobs by drawing millions of tourists each year to contribute to the state’s multibillion-dollar tourism economy.

(7) It is the intent of the people in enacting this measure to protect the state’s resources and wildlife by establishing a stable, reliable, and adequate funding source for the state park system and for wildlife conservation, and to provide increased and equitable access to those resources for all Californians.

(8) It is further the intent of the people that the state park system be operated and maintained at a level of excellence, allow increased access to state parks for all Californians while continuing to charge out-of-state visitors for the use of state parks, and protect the state’s natural and cultural resources, recreational opportunities, and wildlife for future generations.

SECTION 1. Chapter 1.21 (commencing with Section 5081) is added to Division 5 of the Public Resources Code, to read:

CHAPTER 1.21. STATE PARKS AND WILDLIFE CONSERVATION TRUST FUND ACT

Article 1. Trust Fund

5081. There is hereby established the State Parks and Wildlife Conservation Trust Fund in the State Treasury. All money deposited in the fund shall be held in trust for the people of the State of California and used solely for the purposes of this chapter. The moneys in the fund shall be available for appropriation only for the following purposes:

- (a) Operation, maintenance, and repair of facilities, including visitor centers, restrooms, campsites, and ranger stations, in the state park system.*
- (b) Wildlife conservation and protection of natural resources, including forests, other natural lands, and lands that provide clean water, clean air, and protect the health of people and nature.*
- (c) Expanding public access to the state park system and natural areas through outreach, public education, improved transportation access and providing for the safety and security of park visitors.*
- (d) Development, management, and expansion of state park units and facilities as needed to provide and enhance public access and recreational opportunities.*
- (e) Protecting rivers, lakes, streams, coastal waters, and marine resources.*
- (f) Grants to local agencies that operate units of the state park system to offset the loss of day use revenues as provided in this chapter, and to state and local agencies that manage river parkways.*
- (g) Protecting and restoring state park cultural and historical resources.*
- (h) Auditing and oversight of the implementation of this chapter to ensure that funds are only spent in accordance with the provisions of this chapter and are not diverted or misspent.*
- (i) Other costs related to the operation and management of the state park system.*
- (j) Collection costs for the State Parks Access Pass.*

5082. The Department of Parks and Recreation shall prepare a strategic plan to improve access to the state park system that addresses the needs of each region of the state and identifies