

REDISTRICTING. INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE.

- Changes authority for establishing Assembly, Senate, and Board of Equalization district boundaries from elected representatives to 14 member commission.
- Requires government auditors to select 60 registered voters from applicant pool. Permits legislative leaders to reduce pool, then the auditors pick eight commission members by lottery, and those commissioners pick six additional members for 14 total.
- Requires commission of five Democrats, five Republicans and four of neither party. Commission shall hire lawyers and consultants as needed.
- For approval, district boundaries need votes from three Democratic commissioners, three Republican commissioners and three commissioners from neither party.

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

- Potential increase in state redistricting costs once every ten years due to two entities performing redistricting. Any increase in costs probably would not be significant.

ANALYSIS BY THE LEGISLATIVE ANALYST**BACKGROUND**

Every ten years, the federal census counts the number of people living in California. The California Constitution requires the Legislature after each census to adjust the boundaries of the districts used to elect public officials. This process is called "redistricting." Redistricting affects districts for the state Legislature (Assembly and Senate), State Board of Equalization (BOE), and the U.S. House of Representatives. The primary purpose of redistricting is to establish districts which are "reasonably equal" in population. Typically, redistricting plans are included in legislation and become law after passage of the bill by the Legislature and signature by the Governor.

PROPOSAL

This measure amends the California Constitution to change the redistricting process for the state Legislature, BOE, and California members of the U.S. House of Representatives, beginning with the 2010 census.

U.S. House of Representatives Districts

The measure maintains the Legislature's role in drawing districts for the U.S. House of Representatives. The measure imposes additional requirements that the Legislature must consider when drawing these districts. Among the new requirements is that the Legislature maintain neighborhoods and "communities of interest" within one district to the extent possible. (The term communities of interest is not defined by the measure.) Figure 1 compares the requirements under the measure and current law.

Legislative and BOE Districts

The measure shifts the responsibility for developing redistricting plans for legislative and BOE districts from the Legislature to a new Citizens Redistricting Commission. The measure imposes a number of requirements for the selection of commissioners and their drawing of district boundaries, as described below.

Figure 1
Key Requirements for Drawing Political Districts

	Current Law For All Districts	Proposition 11	
		U.S. House of Representatives Districts	Legislative and Board of Equalization Districts
Develop reasonably equal populations of districts	X	X	X
Comply with federal Voting Rights Act	X	X	X
Minimize the splitting of counties and cities into multiple districts ^a	X	X	X
Maintain "communities of interest" and neighborhoods ^a	—	X	X
Develop geographically compact districts ^a	—	X	X
Comprise Senate districts of two adjacent Assembly districts and BOE districts of ten adjacent Senate districts ^a	—	—	X
Do not favor or discriminate against political incumbents, candidates, or parties	—	—	X

^a To the extent possible without conflicting with other criteria.

Selection of Commissioners. The measure establishes a process to select the 14 members to serve on the commission. Figure 2 summarizes this process. A registered voter in the state could apply to be a commissioner. The State Auditor, however, would remove applicants from the pool based on various conflicts of interest. For instance, applicants—or an immediate relative—in the past ten years could not have:

ANALYSIS BY THE LEGISLATIVE ANALYST

- Been a political candidate for state or federal office.
- Been a lobbyist.
- Contributed \$2,000 or more in any year to a political candidate.

In addition, applicants could not have changed their political party affiliation in the past five years. Applicants also must have voted in at least two of the last three general elections.

An Applicant Review Panel, comprised of three auditors employed by the state, would narrow the applicants down to 60. The panel would pick the most qualified applicants based on analytic skill, impartiality, and appreciation of California's diversity. The leaders of the Legislature could strike up to 24 of these names. From the remaining names, the State Auditor would then randomly draw the first eight commissioners. These eight commissioners would select the final six commissioners. The commission would have five members registered with each of the state's two largest political parties (Democrat and Republican) and four members registered with other parties or as independent voters.

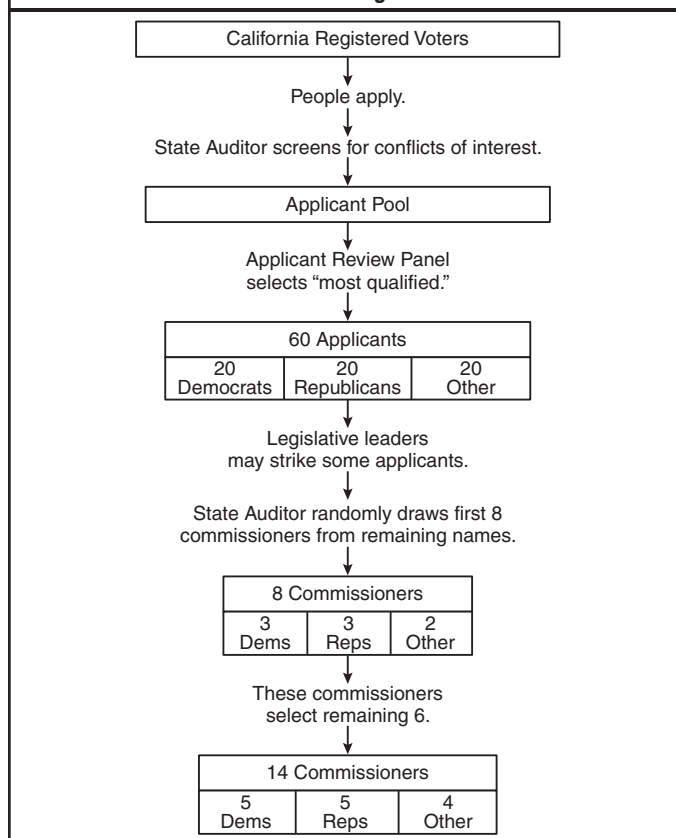
Requirements of District Boundaries. The measure adds new requirements regarding the drawing of district boundaries by the commission for legislative and BOE districts. These requirements are similar to the measure's new requirements for U.S. House of Representatives districts, as shown in Figure 1. For legislative and BOE districts, the measure also forbids the commission from drawing districts for the purpose of favoring or discriminating against political incumbents, candidates, or parties.

Approval Process. In developing a plan, the commission would have to hold public hearings and accept public comment. To approve a redistricting plan, the commission would need at least nine yes votes, including at least three yes votes each from members registered with the two largest political parties and three yes votes from the other members. Once the commission approved a redistricting plan, it would be used for the next decade. The process would be repeated every ten years, with a new 14-member commission for each future redistricting.

Funding. Commission members would receive \$300 per day, plus reimbursed expenses, in return for their work on the commission. The measure specifies that the Governor and Legislature must make funding available in the state budget to support the selection of the commission, its work, and related costs. Funding would be established at the greater of \$3 million or the amount spent in the previous redistricting cycle,

CONTINUED

Figure 2
Selection of Citizens Redistricting Commission



adjusted for inflation. (The Legislature spent about \$3 million in 2001 from its own budget, which is limited under the California Constitution, to adjust boundaries for all districts.) These funds could be used to establish the application review process, communicate with the public, compensate commissioners, and employ legal and other experts in the field of redistricting.

FISCAL EFFECTS

Under this measure, the Legislature would continue to incur expenses to perform redistricting for U.S. House of Representatives districts. In addition, this measure authorizes funding (outside of the Legislature's budget) for redistricting efforts related to legislative and BOE districts to be performed by the citizens commission. We estimate that the minimum amount required for 2010 would be about \$4 million (the 2001 amount spent on redistricting adjusted for estimated inflation through 2010). Having two entities—the Legislature and the commission—perform redistricting could tend to increase overall redistricting expenditures. Any increase in such redistricting costs, however, probably would not be significant.

★ **ARGUMENT IN FAVOR OF PROPOSITION 11** ★

THE POLITICIANS WANT TO CONFUSE VOTERS, BUT THE CHOICE IS SIMPLE: Bipartisan Groups Urge You to Vote YES on Prop. 11, FOR CHANGE in Sacramento.

Good government, senior, consumer, business, and taxpayer organizations are asking you to vote YES on Prop. 11 (note some of the signers of this ballot argument).

The Politicians Oppose Change and Want You to Vote NO.

On the NO side of this measure are politicians, political insiders, and political party elites who will do or say almost anything to stop change and protect the status quo.

YES ON PROP. 11: CHANGE IN SACRAMENTO

There is a serious conflict of interest when legislators are allowed to draw their own district boundaries. They divide up neighborhoods and communities to create districts where they are virtually guaranteed reelection.

Once elected, these politicians aren't accountable to voters because they don't have to earn our votes. Instead, they pay more attention to the special interests.

"The current system where politicians draw their own districts is rigged to make sure they get reelected. Prop. 11 will put voters back in charge and make it easier to vote them out of office if they're not doing their job." — Pete Constant, Retired San Jose Police Officer

YES ON PROP. 11: PUT VOTERS IN CHARGE

Prop. 11 will end this conflict of interest by establishing an independent citizens commission to draw districts so that they are fair. Standards required by this measure will assure that districts are drawn so they don't divide neighborhoods and communities.

The commission will include Democrats, Republicans, and independents, and the process will be open to the public. This will assure a balanced, inclusive process that produces fair districts.

"If legislators don't have to compete to get reelected, they have no accountability to voters. That means they don't have to work

together to solve problems like education, health care, roads, crime, and the state budget. Prop. 11 will keep politicians tuned-in to voter needs." — Jodi Serrano, Public School Teacher, Sacramento

YES ON PROP. 11: HOLD THE POLITICIANS ACCOUNTABLE

Many of the problems we face in California are a direct result of politicians not being accountable to voters. When they draw their own districts, we end up with gridlock and nothing gets done.

"It's time to send the politicians a message and change Sacramento. That's why I'm voting YES on Prop. 11."

— Mike Holley, Owner, Apogee Publications, Whittier

Proposition 11 will help end the gridlock and force the politicians to start solving problems. If they don't, we can vote them out of office because they'll have to run in fair districts.

"Democrats, Republicans, independents, and people from every walk of life and every corner of the state support Prop. 11 to send a strong message to politicians that it's time to quit playing games and work together to get California back on track." — Eligio Nava, President, Central California Hispanic Chamber of Commerce

PLEASE JOIN US IN VOTING YES ON PROP. 11.

Check it out for yourself: YesonProp11.org

JANIS R. HIROHAMA, President
League of Women Voters of California

TERESA CASAZZA, President
California Taxpayers' Association

JEANNINE ENGLISH, President
AARP California

★ **REBUTTAL TO ARGUMENT IN FAVOR OF PROPOSITION 11** ★

WHAT THE POLITICIANS WON'T TELL YOU ABOUT PROP. 11

They're selling Prop. 11 as a cure-all—and hoping you won't check the label.

THEY WON'T TELL YOU WHAT PROP. 11 IS REALLY ABOUT.

Their high-priced consultants hope you won't read their 4,500-word initiative. If you do, you'll see Prop. 11 for what it is: a scheme to change the Constitution and give the power of drawing districts to people who are NEVER ELECTED and NEVER ACCOUNTABLE.

THEY WON'T TELL YOU HOW PROP. 11 WORKS.

They never explain why Prop. 11 guarantees members of the two political parties more say than the rest of us. They won't explain how bureaucrats and politicians decided who's in charge.

THEY WON'T TELL YOU WHAT PROP. 11 WILL COST.

Prop. 11 creates a new bureaucracy to draw districts—on top of the people we already pay for the job. They will spend millions of dollars—and no audits to account for their money.

THEY WON'T TELL YOU WHAT THEY REALLY WANT.

The politicians backing Prop. 11 have taken more contributions from special interests than any politicians in California history. But they don't trust voters to elect the right people—so they're trying to change the rules to help themselves.

BEFORE YOU VOTE

Ask yourself: What's this about? How would it really work? How much will this cost? *And most important of all—who's really behind this, and what do they really want?*

Read Prop. 11 for yourself. And vote NO.

www.NoOnProp11.org

HENRY L. "HANK" LACAYO, State President
Congress of California Seniors

MIKE JIMENEZ, State President
California Correctional Peace Officers Association

MARTIN HITTELMAN, President
California Federation of Teachers

★ ARGUMENT AGAINST PROPOSITION 11 ★

Faced with *real problems*—budget deficits, rising gas prices, and a shaky economy—what do the politicians bring us? Prop. 11—another nonsensical scheme to change how we draw lines between one district and another. *What are they thinking?*

Redistricting may not mean much to you, but for some politicians, it's all they care about. Five times, they've spent millions on lawyers, consultants, and paid signature gatherers to put a new scheme on the ballot. *Every time, voters said "NO."*

The forces behind Prop. 11 don't respect California's voters, so they're back again.

What do they REALLY want? *Power for themselves, at your expense.* They know redistricting is about power. They want to rewrite our Constitution to suit themselves.

PROP. 11 UNDERMINES DEMOCRACY

Prop. 11 gives the final say for the entire state to a 14-member "redistricting commission" never elected by the people. *You don't get a choice.* There's no guarantee they'll represent you or your neighbors. That's why community organizations oppose Prop. 11.

Prop. 11 sets aside 10 of the 14 commission seats for *partisan members* of the two biggest political parties—and gives them *veto power over almost every decision*. If the big party representatives don't go along—*nothing gets done*.

What does that mean? Political insiders will keep carving up the state to serve their own interests.

PROP. 11 GIVES POWER TO BUREAUCRATS

Prop. 11 doesn't keep politicians out of redistricting—it just lets them hide behind a tangled web of bureaucrats picked for their political ties. It actually *takes state auditors off the job of rooting out government waste* to spend time screening commission applications.

Who picks the commission? Bureaucrats. They decide who's qualified. And then the four most powerful legislators can reject anyone they want. *That's reform?*

PROP. 11 MEANS TWO BUREAUCRACIES INSTEAD OF ONE

Prop. 11 only gives this new commission *half the job*. It leaves the other half—drawing Congressional districts—to the state Legislature.

So Prop. 11 means *paying for two of everything*: two sets of attorneys, two teams of consultants, working out of two different offices—with neither one working together or sharing resources.

PROP. 11 PROVIDES NO ACCOUNTABILITY TO TAXPAYERS

Prop. 11 guarantees each commission member \$300 a day, plus expenses, with *no limit*. There's also *no limit* on how many attorneys, consultants, and staff the commission hires, or how much it spends for offices, hearings, and outreach. *And there's nothing requiring auditors to examine the commission's spending for waste and abuse.*

PROP. 11 AN EMPTY PROMISE

Read it yourself. It makes big promises, but *never delivers*. Voters get no say over who draws districts. Instead, we get *a new bureaucracy with no accountability and no spending limits*.

Prop. 11 really means a lot of political insiders *keep their power*—a few get *even more*—and *the rest of us get less*.

That's not reform—that's a hidden agenda that does nothing to address the real problems facing our state. Visit www.noonprop11.org—and vote NO!

DANIEL H. LOWENSTEIN, Former Chair
Fair Political Practices Commission

ROBERT BALGENORTH, President
State Building & Construction Trades Council of California

MARTIN HITTELMAN, President
California Federation of Teachers

★ REBUTTAL TO ARGUMENT AGAINST PROPOSITION 11 ★

YES on 11—STOP THE POLITICIANS' CONFLICT OF INTEREST.

YES on 11 ends the conflict of interest of politicians drawing their own election districts.

It means fair election districts drawn by citizens, not politicians, so we can *hold them accountable and throw them out of office if they aren't doing their jobs*.

A "no" vote means politicians continue drawing their own districts and more gridlock in Sacramento.

POLITICIANS ARE BEHIND THE MISLEADING "NO" CAMPAIGN.

Here's what newspapers say:

" . . . Senate President Pro Tem Don Perata, D-Oakland, is leading a campaign of deception against it. His committee is called "Citizens for Accountability—No on the Power Grab," which is ironic because its obvious purpose is to preserve incumbents' stranglehold on power."

San Jose Mercury News, 7-7-08

" . . . he's [Perata] working to kill reform—just as he always has, on issue after issue, year after year."

San Diego Union Tribune, 7-7-08

YES on 11—PUTS VOTERS FIRST.

YES on 11 creates a diverse, qualified, independent commission that will draw fair districts that truly respect California's communities and neighborhoods *for the first time*.

YES on 11—IT'S TIME FOR CHANGE.

YES on 11 *sends a message to politicians that voters have had enough, and it's time for change*. Proposition 11 will put voters back in charge and force politicians to work together to *solve real problems like healthcare, education, water, the budget, and the high cost of food and gas*.

Democrats, Republicans, independents, and community groups support Proposition 11. YES on 11.

KATHAY FENG, Executive Director
California Common Cause

JOSEPH V. KERR, President
Orange County Professional Firefighters Association

GARY TOEBBEN, President
Los Angeles Area Chamber of Commerce