Assembly Constitutional Amendment No. 8

Introduced by Assembly Member Maze

December 6, 2004

Assembly Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 1 of, and adding Sections 2, 3, and 4 to, Article XXI thereof, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

ACA 8, as introduced, Maze. Reapportionment.

The California Constitution requires the Legislature to adjust the boundary lines of the Senate, Assembly, congressional, and Board of Equalization districts in the year following the year in which the national census is taken in compliance with specified standards.

This measure would instead provide that the district boundary lines would be adjusted by a panel of 5 special masters, and deemed adopted upon filing with the Secretary of State. The panel would be selected at random by the Judicial Council, subject to certain conditions regarding the composition of the panel, from a pool of retired state or federal judges having prescribed qualifications. The panel would hold public hearings regarding redistricting plans proposed by any elector, public interest group, or Member of the Legislature before approving a plan and filing it with the Secretary of State. An approved plan would become operative for all future or subsequent elections, as specified. If the panel fails to approve a plan, the Judicial Council would discharge the panel and appoint a new panel.

This measure would require that, within 90 days following the operative date of its provisions, the Judicial Council select a panel of
special masters to approve a plan to adjust the district boundaries for use in the election to be held in the next statewide general and primary elections and thereafter, until an adjustment of boundary lines is approved by a panel and filed with the Secretary of State following the next national decennial census.

The California Constitution requires that districts be drawn so that the population of all districts of a particular type are reasonably equal. This measure would instead require that district populations be as nearly equal as practicable. For congressional districts, federal constitutional standards would dictate the maximum population deviation; for state legislative and Board of Equalization districts, the maximum deviation would be 1%.

This measure would also require that districts be as compact as practicable, conform to geographic boundaries of a county, city, or city and county, and preserve identifiable communities of interest. This measure would prohibit consideration from being given to the potential effects on incumbents or political parties. Furthermore, this measure would prohibit data regarding party affiliation or voting history of electors from being used. To the extent possible, district boundaries must be required to be drawn to ensure a prescribed level of competitiveness between the 2 largest political parties.

This measure would further require that each Board of Equalization district be comprised of 10 contiguous Senate districts and that each Senate district be comprised of 2 contiguous Assembly districts.

Vote: \( \frac{2}{3} \). Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 2005–06 Regular Session commencing on the sixth day of December 2004, two-thirds of the membership of each house concurring, hereby proposes to the people of the State of California, that the Constitution of the State be amended as follows:

First—That Section 1 of Article XXI thereof is amended to read:

SECTION 1. In—(a) Except as provided in subdivision (g) of Section 2, 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 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 procedures set forth in subdivision (c), a five-member panel of special masters to prepare a plan to adjust the boundary lines of the Senate, Assembly, congressional, and Board of Equalization districts. Each special master shall be a retired state judge, or a federal judge having served for a minimum of two years during the previous seven years in a federal court located in California and having retired or taken senior status, who has never held a partisan political office and has not changed his or her party affiliation, as declared on his or her voter registration affidavit, during the preceding nine years. 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 six 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, five persons to serve as special masters and three alternates. If the council selects five 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. In addition, one special master on the selected panel shall be female and, in addition, one shall be a member of a minority.

(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 with the Secretary of State of the reapportionment plan adopted by the panel, or upon discharge by the special masters 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 personnel as necessary to assist in its work.

(e) The panel of special masters shall establish a public schedule and deadline to receive and consider proposed plans from any elector or any Member of the Legislature. 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 eight different geographical regions of the State to consider proposed redistricting plans. Public hearings shall be held in each of the selected geographical regions before an initial set of maps is developed or selected. Thereafter, the panel shall select an initial plan for release and review by the public. At least two weeks thereafter, additional public hearings shall be held in each of those same regions. Additional public hearings shall be held in each of those same regions 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 (b).

(f) Notwithstanding subdivision (a), within 90 days following the operative date of this subdivision, the Judicial Council shall select a panel of special masters to approve a plan to adjust the boundary lines of the Senate, Assembly, congressional, 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 possible, except that 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 cities and the fewest county and city 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.
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 an approved redistricting plan 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 approval of the challenged plan. 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.