

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.

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

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

9 SECTION 1. ~~In~~(a) *Except as provided in subdivision (g) of*
10 *Section 2, in the year following the year in which the national*
11 *census is taken under the direction of Congress at the beginning*
12 *of each decade, the Legislature shall adjust the boundary lines of*
13 *the Senatorial Senate, Assembly, Congressional congressional,*

1 and Board of Equalization districts *shall be adjusted in*
2 *conformance with the following standards:*

3 ~~(a) Each member of the Senate, Assembly, Congress, and the~~
4 ~~Board of Equalization shall be elected from a single-member~~
5 ~~district.~~

6 ~~(b) The population of all districts of a particular type shall be~~
7 ~~reasonably equal.~~

8 ~~(c) Every district shall be contiguous.~~

9 ~~(d) Districts of each type shall be numbered consecutively~~
10 ~~commencing at the northern boundary of the State and ending at~~
11 ~~the southern boundary.~~

12 ~~(e) The geographical integrity of any city, county, or city and~~
13 ~~county, or of any geographical region shall be respected to the~~
14 ~~extent possible without violating the requirements of any other~~
15 ~~subdivision of this section this article.~~

16 *(b) On or before February 1 of the year following the year in*
17 *which the national census is taken, the Judicial Council shall*
18 *appoint, following the procedures set forth in subdivision (c), a*
19 *five-member panel of special masters to prepare a plan to adjust*
20 *the boundary lines of the Senate, Assembly, congressional, and*
21 *Board of Equalization districts. Each special master shall be a*
22 *retired state judge, or a federal judge having served for a*
23 *minimum of two years during the previous seven years in a*
24 *federal court located in California and having retired or taken*
25 *senior status, who has never held a partisan political office and*
26 *has not changed his or her party affiliation, as declared on his or*
27 *her voter registration affidavit, during the preceding nine years.*
28 *A judge, before commencing to serve as a special master, must*
29 *pledge in writing that he or she will not accept an appointment to*
30 *any elective government position, or seek election to a partisan*
31 *political office, for at least six years from the date his or her*
32 *service as a special master is concluded.*

33 *(c) The Judicial Council shall identify qualified judges willing*
34 *to serve as special masters. From the list of qualified nominees*
35 *the Judicial Council shall then select, at random, five persons to*
36 *serve as special masters and three alternates. If the council*
37 *selects five special masters who are registered to vote as*
38 *members of a single political party, or a panel in which none of*
39 *the special masters belongs to the State's two largest political*
40 *parties, then the council shall excuse one member of the panel by*

1 lot and randomly select and excuse new special masters until a
2 panel is selected consisting of members registered with two or
3 more political parties and with at least one member belonging to
4 each of the State's two largest political parties. In addition, one
5 special master on the selected panel shall be female and, in
6 addition, one shall be a member of a minority.

7 (d) The special masters selected shall not receive
8 compensation for their services, but are entitled to
9 reimbursement for their actual and necessary travel and other
10 expenses incurred in the discharge of their duties. The term of
11 the special masters' service shall expire upon the filing with the
12 Secretary of State of the reapportionment plan adopted by the
13 panel, or upon discharge by the special masters pursuant to
14 subdivision (e). The Legislature shall make appropriations from
15 the Legislature's operating budget, as limited by Section 7.5 of
16 Article IV, to fund expenses incurred by the panel to employ
17 counsel, independent experts in the field of redistricting and
18 computer technology, and other personnel as necessary to assist
19 in its work.

20 (e) The panel of special masters shall establish a public
21 schedule and deadline to receive and consider proposed plans
22 from any elector or any Member of the Legislature. A Member of
23 the Legislature may submit more than one plan and may submit a
24 plan drafted by any elector or public interest group. The panel
25 shall hold public hearings in no fewer than eight different
26 geographical regions of the State to consider proposed
27 redistricting plans. Public hearings shall be held in each of the
28 selected geographical regions before an initial set of maps is
29 developed or selected. Thereafter, the panel shall select an initial
30 plan for release and review by the public. At least two weeks
31 thereafter, additional public hearings shall be held in each of
32 those same regions. Additional public hearings shall be held in
33 each of those same regions if any significant revisions are made
34 to the plan. The panel of special masters shall then approve a
35 plan and file the plan with the Secretary of State. Once the plan
36 is filed with the Secretary of State, it shall apply to all future
37 elections set to take place 131 or more days after the plan is
38 approved until an adjustment of new boundaries is required. If
39 the panel of special masters fails to approve a plan, the Judicial

1 *Council shall discharge the panel of special masters and appoint*
2 *a new panel, following the procedure set forth in subdivision (b).*

3 *(f) Notwithstanding subdivision (a), within 90 days following*
4 *the operative date of this subdivision, the Judicial Council shall*
5 *select a panel of special masters to approve a plan to adjust the*
6 *boundary lines of the Senate, Assembly, congressional, and*
7 *Board of Equalization districts in the manner otherwise provided*
8 *by this article.*

9 Second—That Section 2 is added to Article XXI thereof, to
10 read:

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

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

22 (c) Every district shall be contiguous and as compact as
23 possible, except that a contiguous area of population shall not be
24 bypassed to incorporate an area of population more distant.

25 (d) Each Board of Equalization district shall be comprised of
26 10 contiguous Senate districts. Each Senate district shall be
27 comprised of two contiguous Assembly districts.

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

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

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

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

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

19 Fourth—That Section 4 is added to Article XXI thereof, to
20 read:

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