

Introduced by Senator Ashburn

April 16, 2007

Senate Constitutional Amendment No. 9—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 4 and 8 of Article III thereof, by amending Sections 2, 12, and 22 of, and adding Section 3.5 to, Article IV thereof, by amending Section 7 of Article XX thereof, and by amending Section 1 of, and adding Sections 2, 3, 4, 5, 6, and 7 to, Article XXI thereof, relating to the partial revision of the Constitution by the creation of and transfer of legislative duties to the Independent Redistricting Commission, terms and service of Members of the Legislature, and the state budget.

LEGISLATIVE COUNSEL'S DIGEST

SCA 9, as introduced, Ashburn. Legislative reform: redistricting and term, salary, and contribution limits.

(1) Existing provisions of the California Constitution prohibit a Senator from serving more than 2 terms of 4 years each and a Member of the Assembly from serving more than 3 terms of 2 years each.

This measure would instead allow a person, during his or her lifetime, to serve not more than 12 years in the Senate, the Assembly, or both, in any combination of terms, except that a Senator or Member of the Assembly in office on the effective date of this measure, whether or not he or she has previously served in the other house, would be eligible to serve a total of 12 consecutive years in the house in which he or she is currently serving.

(2) Existing law, the Political Reform Act of 1974, limits the amount of moneys that a person may contribute to a candidate for elective state office.

This bill would prohibit contributions to the Governor and to Members of the Legislature during a specified state budget time period and a specified period prior to the end of the first year and 2nd year of a legislative session. It would also prohibit contributions to the Governor during a specified period after the end of the first year and 2nd year of a legislative session.

(3) Existing provisions of the California Constitution require the Legislature to pass a Budget Bill by June 15 of each year.

This measure would require that, if a Budget Bill is not passed by July 1, Members of the Legislature would not receive any salary from July 1 to the date a Budget Bill is passed and sent to the Governor. It would provide that once a budget bill is passed and sent to the Governor, a Member of the Legislature shall retroactively receive any salary that was due during that period of time.

This measure would also require that, if the Legislature fails to pass a Budget Bill by July 1 of any year, both houses of the Legislature meet daily until it does so.

(4) The California Constitution states the right of the people to hold their legislators accountable and, in implementation of that right, imposes certain reporting duties upon specified legislative leaders.

This measure would, in addition, state the right of the people to have reasonable opportunities to meet and communicate with Members of the Legislature and, in implementation of that right, would require Members of the Legislature to attend quarterly meetings and maintain regular office hours in their districts.

(5) The California Constitution requires the Legislature, in the year following the year in which the federal census is taken at the beginning of each decade, to adjust the boundary lines of the state Senate, Assembly, congressional, and State Board of Equalization districts in accordance with specified standards.

This measure would revise these provisions to apply only to the adjustment of the boundary lines of congressional districts.

This measure would, with respect to adjusting the boundary lines of Senate, Assembly, and State Board of Equalization districts, require the establishment of a pool of 55 candidates for appointment to an 11-member independent restricting commission, as nominated by a panel of 10 retired superior court judges or judges of the Court of Appeal appointed by the Judicial Council. This measure would authorize officers of the Senate and Assembly to each strike 4 candidates from the pool of nominees, would require the selection and appointment of the

commission members from the remaining pool by the Fair Political Practices Commission, and would provide for the filling of vacancies on the commission and the removal of members.

This measure would provide that certain records of the redistricting commission are subject to the California Public Records Act and would require the commission to hold public hearings.

This measure would grant the California Supreme Court original and exclusive jurisdiction over all challenges to a redistricting plan adopted by the commission, and would authorize an affected elector to file a petition for a writ of mandate or prohibition within 45 days after the commission has certified the plan to the Secretary of State. The Supreme Court would be required to act expeditiously on the petition. If the plan is held to violate the California Constitution, the United States Constitution, or any federal statute, this measure would require the court to provide relief as it deems appropriate to remedy that violation and to otherwise accomplish the purposes of this measure.

This measure would require the Governor in 2010, and annually thereafter, to include in the Governor’s Budget submitted to the Legislature an amount of funding sufficient to meet estimated redistricting expenses, and would require that the necessary appropriation be made in the annual Budget Act. It would authorize the commission to contract and to hire staff and consultants, including legal representation, for purposes of this measure. It would provide that the panelists and commissioners would receive a per diem of \$150 for each day of attendance at a meeting of the panel or commission and for actual and necessary traveling expenses.

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

- 1 WHEREAS, This measure shall be known and may be cited as
- 2 the “Term Limits and Legislative Reform Act”; and
- 3 WHEREAS, The people of California find and declare all of
- 4 the following:
- 5 (1) Under a constitutional measure approved in 1990, a Member
- 6 of the Legislature may serve a total of 14 years, consisting of no
- 7 more than 6 years in the Assembly and no more than 8 years in
- 8 the Senate;
- 9 (2) A variety of academic and public policy groups, some of
- 10 which once supported term limits, have studied the effect of term

1 limits in California and have concluded that our law is in need of
2 reform to make government work for the people;

3 (3) California faces many complex and critical issues ranging
4 from underperforming schools to global warming to inadequate
5 health care. The legislation required to solve these problems can
6 take years to develop and pass, and Members of the Legislature
7 must spend substantial amounts of time acquiring the knowledge
8 of these matters and obtaining the kind of support among their
9 colleagues necessary to address these urgent issues;

10 (4) Currently, term limits produce a turnover that does not allow
11 legislators enough time to build and fully utilize leadership skills
12 or expertise in making public policy, and thus our most
13 knowledgeable and experienced legislators must leave the
14 Assembly or the Senate prematurely, depriving us of their skill
15 and expertise;

16 (5) When legislators lack the necessary skills to engage in
17 effective lawmaking, legislative process becomes much more
18 heavily influenced by lobbyists, veteran staff, and officials from
19 the executive branch of government;

20 (6) The state should also reform term limits to put an end to
21 constant campaign fundraising and to allow legislators to work
22 together more effectively across partisan lines;

23 (7) Legislative terms should be modified so that legislators have
24 time to acquire the public policy and legislative expertise necessary
25 to resolve the difficult issues facing the state, and to reduce the
26 current rotation of legislators from one elected public office to
27 another, which compromises institutional knowledge of public
28 policy;

29 (8) The National Conference of State Legislatures, Council of
30 State Governments, and State Legislative Leaders Forum issued
31 a report concluding that “the effects of term limits on Sacramento’s
32 policymaking processes have been more profound,” including “a
33 widespread sense in Sacramento that something needs to be done
34 soon to provide more stability and expertise to the Legislature’s
35 policymaking process”;

36 (9) The state needs to reform California’s term limits law to
37 permit Members of the Legislature to remain in a single house for
38 a longer period of time while reducing the total number of years
39 that new legislators may serve; and

1 WHEREAS, The report entitled Joint Project on Term Limits
2 2004, by the National Conference of State Legislatures, Council
3 of State Governments, and State Legislative Leaders' Foundation,
4 additionally determined the following:

5 (1) "In both houses, committees now screen out fewer bills
6 assigned to them and are more likely to see their work rewritten
7 at later stages";

8 (2) "The practice of 'hijacking' Assembly bills—gutting their
9 contents and amending them thoroughly in the Senate—has
10 increased sharply";

11 (3) "As a body, the Legislature is less likely to alter the
12 Governor's budget, and its own budget process neither encourages
13 fiscal discipline nor links legislators' requests to overall spending
14 goals";

15 (4) "Legislative oversight of the executive branch has declined
16 significantly"; and

17 WHEREAS, It is the intent of the people of California in
18 approving this measure to do all of the following with respect to
19 term limits:

20 (1) Provide greater stability and expertise in the Legislature's
21 policymaking process;

22 (2) Reduce the total number of years that new Members may
23 serve in the Legislature from 14 to 12, to prevent Members from
24 becoming entrenched and to promote the opportunity for others
25 to serve;

26 (3) Permit legislators to gain the knowledge and experience
27 necessary to tackle the critical issues facing our state;

28 (4) Afford current members of the Senate and the Assembly the
29 same opportunity to serve 12 years in a single house as newly
30 elected members and preserve existing law regarding uncompleted
31 terms; now, therefore, be it

32 *Resolved by the Senate, the Assembly concurring,* That the
33 Legislature of the State of California at its 2007–08 Regular
34 Session commencing on the fourth day of December 2006,
35 two-thirds of the membership of each house concurring, hereby
36 proposes to the people of the State of California that the
37 Constitution of the State be revised as follows:

38 First—That Section 4 of Article III thereof is amended to read:

39 SEC. 4. (a) Except as provided in subdivision (b) *of this section*
40 *or in subdivision (m) of Section 8,* salaries of elected state officers

1 may not be reduced during their term of office. Laws that set these
2 salaries are appropriations.

3 (b) Beginning on January 1, 1981, the base salary of a judge of
4 a court of record shall equal the annual salary payable as of July
5 1, 1980, for that office had the judge been elected in 1978. The
6 Legislature may prescribe increases in those salaries during a term
7 of office, and it may terminate prospective increases in those
8 salaries at any time during a term of office, but it shall not reduce
9 the salary of a judge during a term of office below the highest level
10 paid during that term of office. Laws setting the salaries of judges
11 shall not constitute an obligation of contract pursuant to Section
12 9 of Article I or any other provision of law.

13 Second—That Section 8 of Article III thereof is amended to
14 read:

15 SEC. 8. (a) The California Citizens Compensation Commission
16 is hereby created and shall consist of seven members appointed
17 by the Governor. The commission shall establish the annual salary
18 and the medical, dental, insurance, and other similar benefits of
19 state officers.

20 (b) The commission shall consist of the following persons:

21 (1) Three public members, one of whom has expertise in the
22 area of compensation, such as an economist, market researcher,
23 or personnel manager; one of whom is a member of a nonprofit
24 public interest organization; and one of whom is representative of
25 the general population and may include, among others, a retiree,
26 homemaker, or person of median income. No person appointed
27 pursuant to this paragraph may, during the 12 months prior to his
28 or her appointment, have held public office, either elective or
29 appointive, have been a candidate for elective public office, or
30 have been a lobbyist, as defined by the Political Reform Act of
31 1974.

32 (2) Two members who have experience in the business
33 community, one of whom is an executive of a corporation
34 incorporated in this State which ranks among the largest private
35 sector employers in the State based on the number of employees
36 employed by the corporation in this State and one of whom is an
37 owner of a small business in this State.

38 (3) Two members, each of whom is an officer or member of a
39 labor organization.

1 (c) The Governor shall strive insofar as practicable to provide
2 a balanced representation of the geographic, gender, racial, and
3 ethnic diversity of the State in appointing commission members.

4 (d) The Governor shall appoint commission members and
5 designate a chairperson for the commission not later than 30 days
6 after the effective date of this section. The terms of two of the
7 initial appointees shall expire on December 31, 1992, two on
8 December 31, 1994, and three on December 31, 1996, as
9 determined by the Governor. Thereafter, the term of each member
10 shall be six years. Within 15 days of any vacancy, the Governor
11 shall appoint a person to serve the unexpired portion of the term.

12 (e) No current or former officer or employee of this State is
13 eligible for appointment to the commission.

14 (f) Public notice shall be given of all meetings of the
15 commission, and the meetings shall be open to the public.

16 (g) On or before December 3, 1990, the commission shall, by
17 a single resolution adopted by a majority of the membership of
18 the commission, establish the annual salary and the medical, dental,
19 insurance, and other similar benefits of state officers. The annual
20 salary and benefits specified in that resolution shall be effective
21 on and after December 3, 1990.

22 Thereafter, ~~at or before the end of each fiscal~~ *by midnight on*
23 *June 30 of each* year, the commission shall, by a single resolution
24 adopted by a majority of the membership of the commission, adjust
25 the annual salary and the medical, dental, insurance, and other
26 similar benefits of state officers. The annual salary and benefits
27 specified in the resolution shall be effective on and after the first
28 Monday of the next December.

29 (h) In establishing or adjusting the annual salary and the medical,
30 dental, insurance, and other similar benefits, the commission shall
31 consider all of the following:

32 (1) The amount of time directly or indirectly related to the
33 performance of the duties, functions, and services of a state officer.

34 (2) The amount of the annual salary and the medical, dental,
35 insurance, and other similar benefits for other elected and appointed
36 officers and officials in this State with comparable responsibilities,
37 the judiciary, and, to the extent practicable, the private sector,
38 recognizing, however, that state officers do not receive, and do
39 not expect to receive, compensation at the same levels as

1 individuals in the private sector with comparable experience and
2 responsibilities.

3 (3) The responsibility and scope of authority of the entity in
4 which the state officer serves.

5 (i) ~~Until~~ *Except as provided in subdivision (m), until* a resolution
6 establishing or adjusting the annual salary and the medical, dental,
7 insurance, and other similar benefits for state officers takes effect,
8 each state officer shall continue to receive the same annual salary
9 and the medical, dental, insurance, and other similar benefits
10 received previously.

11 (j) All commission members shall receive their actual and
12 necessary expenses, including travel expenses, incurred in the
13 performance of their duties. Each member shall be compensated
14 at the same rate as members, other than the chairperson, of the
15 Fair Political Practices Commission, or its successor, for each day
16 engaged in official duties, not to exceed 45 days per year.

17 (k) It is the intent of the Legislature that the creation of the
18 commission should not generate new state costs for staff and
19 services. The Department of Personnel Administration, the Board
20 of Administration of the Public Employees' Retirement System,
21 or other appropriate agencies, or their successors, shall furnish,
22 from existing resources, staff and services to the commission as
23 needed for the performance of its duties.

24 (l) "State officer," as used in this section, means the Governor,
25 Lieutenant Governor, Attorney General, Controller, Insurance
26 Commissioner, Secretary of State, Superintendent of Public
27 Instruction, Treasurer, member of the State Board of Equalization,
28 and Member of the Legislature.

29 (m) *If a budget bill is not passed by the Legislature and sent to*
30 *the Governor by July 1, a Member of the Legislature shall not*
31 *receive any salary from that date until a budget bill is passed and*
32 *sent to the Governor. Once a budget bill is passed and sent to the*
33 *Governor, a Member of the Legislature shall retroactively receive*
34 *any salary that was due during that period of time.*

35 Third—That Section 2 of Article IV thereof is amended to read:

36 SEC. 2. (a) (1) The Senate has a membership of 40 Senators
37 elected for 4-year terms, 20 to begin every 2 years. ~~No Senator~~
38 ~~may serve more than 2 terms.~~

39 The

1 (2) *The Assembly has a membership of 80 members elected for*
2 *2-year terms. No member of the Assembly may serve more than*
3 *3 terms.*

4 ~~Their terms~~

5 (3) *The term of a Senator or a Member of the Assembly shall*
6 *commence on the first Monday in December next following their*
7 *his or her election.*

8 (4) (A) *Except as otherwise provided by subparagraph (B),*
9 *during his or her lifetime a person may serve not more than 12*
10 *years in the Senate, the Assembly, or both, in any combination of*
11 *terms.*

12 (B) *A Member of the Senate or the Assembly, who is in office*
13 *on the effective date of the measure adding this subparagraph may*
14 *serve 12 consecutive years in the house in which he or she is*
15 *currently serving, regardless of his or her prior years of service*
16 *in the other house. Except as provided by Section 7 of Article XX,*
17 *the 12 consecutive years include those years already served*
18 *consecutively in the house in which the Member is currently*
19 *-serving.*

20 (C) *For purposes of this section, a person who serves in the*
21 *Senate or Assembly from the first Monday in December of one*
22 *year to the first Monday in December of the following year shall*
23 *be deemed to have thereby served one year.*

24 (b) ~~Election of members~~ *Members of the Assembly shall be*
25 *elected on the first Tuesday after the first Monday in November*
26 *of even-numbered years unless otherwise prescribed by the*
27 *Legislature. Senators shall be elected at the same time and places*
28 *as members Members of the Assembly.*

29 (c) A person is ineligible to be a ~~member~~ *Member* of the
30 *Legislature unless the both of the following conditions are met:*

31 (1) *The person is an elector and has been a resident of the*
32 *legislative district for one year, and a citizen of the United States*
33 *and a resident of California for 3 years, immediately preceding*
34 *the election.*

35 (2) *Service of the full term of office to which the person is elected*
36 *would not cause that person to exceed the limitation on years of*
37 *service set forth in paragraph (4) of subdivision (a) and Section*
38 *7 of Article XX.*

39 (d) When a vacancy occurs in the Legislature the Governor
40 immediately shall call an election to fill the vacancy.

1 Fourth—That Section 3.5 is added to Article IV thereof, to read:

2 SEC. 3.5. (a) A person may not make to the Governor or a
3 Member of the Legislature, and the Governor or a Member of the
4 Legislature may not receive from any person, any contribution in
5 any amount during the time period between the date in May that
6 the Director of Finance, pursuant to subdivision (d) of Section
7 13308 of the Government Code, or its successor statute, provides
8 to the Legislature a revised estimate of the General Fund revenues
9 for the fiscal year and the ensuing fiscal year, any proposals to
10 reduce expenditures based on that estimate, and any proposed
11 adjustments to the Governor’s Budget, and the date of the
12 enactment of the budget bill for the fiscal year commencing the
13 following July 1.

14 (b) A person may not make to the Governor or a Member of the
15 Legislature, and the Governor or a Member of the Legislature may
16 not receive from any person, any contribution in any amount during
17 the 30-day period before the date scheduled for the Legislature to
18 adjourn in joint recess to reconvene in the second calendar year
19 of the biennium of the legislative session or during the 30-day
20 period before September 1 of the second calendar year of the
21 biennium of the legislative session.

22 (c) A person may not make to the Governor, and the Governor
23 may not receive from any person, any contribution in any amount
24 during the 30-day period following the date the Legislature
25 adjourns in joint recess to reconvene in the second calendar year
26 of the biennium of the legislative session or during the 30-day
27 period following September 1 of the second calendar year of the
28 biennium of the legislative session.

29 (d) For purposes of this section, “contribution” has the same
30 meaning as that term has in Section 82015 of the Government
31 Code, or its successor statute.

32 Fifth—That Section 12 of Article IV thereof is amended to read:

33 SEC. 12. (a) Within the first 10 days of each calendar year,
34 the Governor shall submit to the Legislature, with an explanatory
35 message, a budget for the ensuing fiscal year containing itemized
36 statements for recommended state expenditures and estimated state
37 revenues. If recommended expenditures exceed estimated revenues,
38 the Governor shall recommend the sources from which the
39 additional revenues should be provided.

1 (b) The Governor and the Governor-elect may require a state
2 agency, officer, or employee to furnish whatever information is
3 deemed necessary to prepare the budget.

4 (c) (1) The budget shall be accompanied by a budget bill
5 itemizing recommended expenditures.

6 (2) The budget bill shall be introduced immediately in each
7 house by the persons chairing the committees that consider the
8 budget.

9 (3) The Legislature shall pass the budget bill by midnight on
10 June 15 of each year. *If the budget bill is not passed by July 1 of*
11 *any year, both houses of the Legislature shall thereafter meet each*
12 *calendar day until a budget bill is passed.*

13 (4) Until the budget bill has been enacted, the Legislature shall
14 not send to the Governor for consideration any bill appropriating
15 funds for expenditure during the fiscal year for which the budget
16 bill is to be enacted, except emergency bills recommended by the
17 Governor or appropriations for the salaries and expenses of the
18 Legislature.

19 (d) No bill except the budget bill may contain more than one
20 item of appropriation, and that for one certain, expressed purpose.
21 Appropriations from the General Fund of the State, except
22 appropriations for the public schools, are void unless passed in
23 each house by rollcall vote entered in the journal, two-thirds of
24 the membership concurring.

25 (e) The Legislature may control the submission, approval, and
26 enforcement of budgets and the filing of claims for all state
27 agencies.

28 (f) For the 2004–05 fiscal year, or any subsequent fiscal year,
29 the Legislature may not send to the Governor for consideration,
30 nor may the Governor sign into law, a budget bill that would
31 appropriate from the General Fund, for that fiscal year, a total
32 amount that, when combined with all appropriations from the
33 General Fund for that fiscal year made as of the date of the budget
34 bill’s passage, and the amount of any General Fund moneys
35 transferred to the Budget Stabilization Account for that fiscal year
36 pursuant to Section 20 of Article XVI, exceeds General Fund
37 revenues for that fiscal year estimated as of the date of the budget
38 bill’s passage. That estimate of General Fund revenues shall be
39 set forth in the budget bill passed by the Legislature.

40 Sixth—That Section 22 of Article IV thereof is amended to read:

1 SEC. 22. (a) It is the right of the people to hold their legislators
 2 accountable. To assist the people in exercising this right, at the
 3 convening of each regular session of the Legislature, the President
 4 pro Tempore of the Senate, the Speaker of the Assembly, and the
 5 minority leader of each house shall report to their house the goals
 6 and objectives of that house during that session and, at the close
 7 of each regular session, the progress made toward meeting those
 8 goals and objectives.

9 (b) *It is the right of the people to have reasonable opportunities*
 10 *to meet and communicate with Members of the Legislature. To*
 11 *assist the people in exercising this right, each Member of the*
 12 *Legislature shall attend quarterly meetings with constituents in*
 13 *his or her district and shall maintain regularly scheduled and*
 14 *publicized office hours in one or more district offices.*

15 Seventh—That Section 7 of Article XX thereof is amended to
 16 read:

17 SEC. 7. ~~The limitations on the number of terms prescribed by~~
 18 ~~Section 2 of Article IV, Sections 2 and 11 of Article V, Section 2~~
 19 ~~of Article IX, and Section 17 of Article XIII apply only to terms~~
 20 ~~or years of service to which persons are elected or appointed on~~
 21 ~~or after November 6, 1990, except that an incumbent Senator whose~~
 22 ~~office is not on the ballot for the general election on that date may~~
 23 ~~serve only one additional term.~~ Those limitations *on terms and*
 24 *years of service* shall not apply to any unexpired term to which a
 25 person is elected or appointed, *or to any years served as part of*
 26 *that unexpired term*, if the remainder of the term is less than half
 27 of the full term.

28 Eighth—That Section 1 of Article XXI thereof is amended to
 29 read:

30 SECTION 1. In the year following the year in which the
 31 national census is taken under the direction of Congress at the
 32 beginning of each decade, the Legislature shall adjust the boundary
 33 lines of the ~~Senatorial, Assembly, Congressional, and Board of~~
 34 ~~Equalization~~ districts in conformance with the following standards:

35 (a) Each member of the ~~Senate, Assembly, Congress, and the~~
 36 ~~Board of Equalization~~ shall be elected from a single-member
 37 district.

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

40 (c) Every district shall be contiguous.

1 (d) ~~Districts of each type~~ shall be numbered consecutively
2 commencing at the northern boundary of the State and ending at
3 the southern boundary *of the State*.

4 (e) The geographical integrity of any city, county, or city and
5 county, or of any geographical region shall be respected to the
6 extent possible without violating the requirements of any other
7 subdivision of this section.

8 Ninth—That Section 2 is added to Article XXI thereof, to read:

9 SEC. 2. (a) Each member of the Senate, Assembly, and the
10 State Board of Equalization shall be elected from a single-member
11 district.

12 (b) By February 28 of each year ending in the number one, the
13 Independent Redistricting Commission shall be established
14 pursuant to this article to provide for the redistricting of Senate,
15 Assembly, and State Board of Equalization districts. The
16 redistricting of Senate, Assembly, and State Board of Equalization
17 districts shall occur only once per decade. As used in this article,
18 “commission” means the Independent Redistricting Commission.

19 (c) The commission shall consist of 11 members, and all of the
20 following shall apply:

21 (1) No more than four members of the commission may be
22 members of the same political party.

23 (2) Of the eight commission members appointed pursuant to
24 subdivisions (b) and (c) of Section 3, no more than two may reside
25 in the same county.

26 (3) Each commission member shall be registered to vote in this
27 State, and shall have been continuously registered with the same
28 political party, or as unaffiliated with a political party, for not less
29 than three years immediately preceding his or her appointment.

30 (4) Each commission member shall commit to applying this
31 article in an honest, independent, and impartial fashion, and to
32 upholding public confidence in the integrity of the redistricting
33 process.

34 (d) (1) A person is not eligible to serve on the commission if,
35 within the three years immediately preceding the date of his or her
36 appointment, the person, or a member of his or her immediate
37 family, has done any of the following:

38 (A) Been appointed or elected to, or have been a candidate for,
39 any other public office.

1 (B) Served as an officer of a political party, or as an officer,
2 employee, or paid consultant of a campaign committee of a
3 candidate for elective public office.

4 (C) Been a registered lobbyist, or an employee of, or a paid
5 consultant to, a registered lobbyist.

6 (2) Legislative staff and consultants, persons under a contract
7 with the Legislature, and any person who has contributed ten
8 thousand dollars (\$10,000) or more to, has a financial relationship
9 with, or is an immediate family member of, the Governor, a
10 Member of the Legislature, or a member of the State Board of
11 Equalization are not eligible to serve as members of the
12 commission.

13 (3) A member of the commission shall be ineligible, during his
14 or her term of office and for three years thereafter, to hold elective
15 public office in this State or to register as a lobbyist.

16 (4) For purposes of this subdivision, a member of a person's
17 "immediate family" is one with whom the person has a bona fide
18 relationship established through blood, marriage, or adoption,
19 including, but not limited to, parents, children, siblings, and
20 in-laws.

21 Tenth—That Section 3 is added to Article XXI thereof, to read:

22 SEC. 3. (a) (1) The Judicial Council, panelists, Members of
23 the Legislature, and the Fair Political Practices Commission, or
24 its successor agency, shall work to ensure that the panelists, pool
25 of candidates, and commissioners, as applicable, are representative
26 of this State's racial, ethnic, cultural, geographic, and gender
27 diversity.

28 (2) A panel of 10 retired superior court judges or judges of the
29 Court of Appeal, appointed by the Judicial Council, shall nominate
30 candidates for appointment to the commission. The Judicial
31 Council shall adopt rules and procedures for appointing qualified
32 panelists and for selecting alternates in the event that a panelist is
33 unable to carry out his or her duties.

34 (3) Of the 10 panelists, 5 shall be registered voters affiliated
35 with each of the two largest political parties in California based
36 on party registration.

37 (4) Each panelist shall have been continuously registered in this
38 State with the same political party for not less than three years
39 immediately preceding his or her appointment.

1 (5) By January 8 of each year ending in the number one, the
2 panel shall establish a pool of qualified persons who are willing
3 to serve on the commission, and submit a list of the names of those
4 persons to the President pro Tempore of the Senate, the Minority
5 Floor Leader of the Senate, the Speaker of the Assembly, the
6 Minority Floor Leader of the Assembly, and the Fair Political
7 Practices Commission or its successor agency.

8 (6) The pool of candidates shall consist of 55 nominees, with
9 20 nominees from each of the two largest political parties in this
10 State based on party registration, and 15 who are not registered
11 with either of those two political parties.

12 (b) No later than January 31 of each year ending in the number
13 one, the President pro Tempore of the Senate, the Minority Floor
14 Leader of the Senate, the Speaker of the Assembly and the Minority
15 Floor Leader of the Assembly may each strike from the pool of
16 candidates up to four candidates. Thereafter, the Fair Political
17 Practices Commission or its successor agency shall, under a process
18 that is open to public disclosure, appoint the 11 commission
19 members, by random selection from the remaining pool of
20 candidates, including four members from each of the two largest
21 political parties in this State and three who are not registered with
22 either of those two political parties.

23 (c) Any vacancy in the 11 commission positions described in
24 subdivision (b) that remains as of March 1 of a year ending in the
25 number one shall be filled from the pool of nominees by the panel
26 of retired judges described in subdivision (a).

27 (d) The 11 members of the commission shall, by affirmative
28 vote of six or more members, select one of the three members
29 appointed pursuant to paragraph (2) of subdivision (b) to serve as
30 the chair of the commission.

31 Eleventh—That Section 4 is added to Article XXI thereof, to
32 read:

33 SEC. 4. (a) After having been served written notice and
34 provided with an opportunity for a response, a member of the
35 commission may be removed by the Governor, with the
36 concurrence of two-thirds of the Senate, for substantial neglect of
37 duty, gross misconduct in office, or inability to discharge the duties
38 of office.

39 (b) (1) If a member of the commission vacates his or her office
40 or is removed pursuant to subdivision (a) prior to the completion

1 of his or her term, the panel of retired judges appointed pursuant
2 to paragraph (2) of subdivision (a) of Section 3 shall fill the
3 vacancy from the pool of nominees selected pursuant to that
4 subdivision within the first 30 days after the vacancy occurs.

5 (2) The nominee chosen to fill the vacancy shall be of the same
6 political party membership or nonpartisan status, as the case may
7 be, held by the vacating member at the time of his or her
8 appointment. The panel shall comply with paragraph (1) of
9 subdivision (a) of Section 3 in filling that vacancy. If the vacating
10 member was the chair of the commission, the commission shall
11 select a new chair.

12 (3) The newly appointed member shall serve the remainder of
13 the original term of the vacating member.

14 Twelfth—That Section 5 is added to Article XXI thereof, to
15 read:

16 SEC. 5. (a) The activities of the commission shall be subject
17 to all of the following:

18 (1) Six members of the commission, one of whom may be the
19 chair or vice chair, shall constitute a quorum.

20 (2) Six or more affirmative votes shall be required for any
21 official action.

22 (3) The commission shall comply with the Bagley-Keene Open
23 Meeting Act (Article 9 (commencing with Section 11120) of
24 Division 3 of Title 2 of the Government Code), or its successor
25 statute. The commission shall provide not less than 14 days' public
26 notice for each meeting.

27 (4) The records of the commission pertaining to redistricting,
28 and all data considered by the commission for the purposes of
29 redistricting, are subject to the California Public Records Act
30 (Chapter 3.5 (commencing with Section 6250) of Division 7 of
31 Title 1 of the Government Code), or its successor statute, and are
32 open to inspection by members of the public upon request as
33 provided by the act, except that the commission may withhold
34 from public inspection preliminary drafts, notes, and
35 communications between or among commission members, staff,
36 and consultants.

37 (5) Any oral or written communication with a commission
38 member outside of a public hearing, other than by staff or by legal
39 counsel, is prohibited as to any matter on which the commission
40 is required to meet under paragraph (3). This paragraph does not

1 prohibit any communication between commission members that
2 is permitted by the Bagley-Keene Open Meeting Act, or its
3 successor statute, to occur outside of a public hearing.

4 (b) The duties of the commission include establishing Senate,
5 Assembly, and State Board of Equalization districts pursuant to a
6 mapping process for each district in accordance with each of the
7 following goals, prioritized according to the following order:

8 (1) Senate, Assembly, and State Board of Equalization districts
9 shall each have equal population with other districts for the same
10 office, to the extent practicable, in compliance with the United
11 States Constitution.

12 (2) District boundary lines shall comply with the federal Voting
13 Rights Act of 1965 (42 U.S.C. Sec. 1971 and following).

14 (3) District boundary lines shall be geographically contiguous
15 to the extent practicable.

16 (4) District boundary lines shall respect communities of interest
17 to the extent practicable.

18 (5) District boundary lines shall use visible geographic features
19 and city and county boundaries to the extent practicable.

20 (6) District boundary lines shall be geographically compact to
21 the extent practicable.

22 (c) Party registration and voting history data shall be excluded
23 from the mapping process. The places of residence of incumbents
24 or candidates may not be identified or considered in the creation
25 of a map pursuant to subdivision (b).

26 (d) (1) The commission shall establish and implement an open
27 and noticed hearing process for public input. The public hearing
28 process shall include at least the following three stages: (A)
29 hearings to receive public input before the commission draws any
30 maps; (B) hearings following each drawing and display of proposed
31 maps; and (C) hearings following the drawing and display of the
32 proposed final maps.

33 (2) The commission shall propose and implement a plan to
34 provide the public with access to United States census data and to
35 make software available to the public for drawing maps and
36 providing input through the public hearing process. At the first
37 two stages, the commission shall display the maps created pursuant
38 to subdivision (b) of Senate, Assembly, and State Board of
39 Equalization districts to the public for comment, in a manner
40 designed to achieve the widest public dissemination reasonably

1 possible, and public comment shall be taken for at least 30 days
2 from the date of public display. Either the Senate or the Assembly,
3 or both, may act within this period to make recommendations to
4 the commission by majority or minority report, which
5 recommendations shall be considered by the commission.

6 (e) The commission shall, after consideration of public
7 comments and recommendations made by the Senate or Assembly
8 pursuant to subdivision (d), and having made every effort to draw
9 the proposed maps in compliance with the goals listed in
10 subdivision (b), establish the boundaries of the final maps for
11 Senate, Assembly, and State Board of Equalization districts by
12 November 15 of the year ending in one, and shall certify those
13 districts to the Secretary of State as its final redistricting plan. The
14 approval of the final boundaries shall be by majority vote of the
15 membership of the commission, and requires that one or more
16 votes for approval be cast by members of the commission registered
17 with each of the two largest political parties in this State based on
18 party registration, and that one or more votes for approval be cast
19 by members of the commission who are not registered with either
20 of these two political parties.

21 (f) The commission shall issue, with its final redistricting plan,
22 a report that explains the basis on which the commission made its
23 decisions in achieving compliance with the goals listed in
24 subdivision (b), particularly where compliance with one goal
25 resulted in less than full compliance with another. The report shall
26 define or describe, as applicable, the terms and standards used in
27 drawing the maps.

28 Thirteenth—That Section 6 is added to Article XXI thereof, to
29 read:

30 SEC. 6. (a) In 2010, and annually thereafter, the Governor
31 shall include in the Governor's Budget submitted to the Legislature
32 pursuant to Section 12 of Article IV an amount of funding
33 sufficient to meet the estimated expenses of the subsequent
34 redistricting process occurring pursuant to this article, and shall
35 also make adequate office space available for the operation of the
36 panel and commission. The necessary appropriation shall be made
37 in the annual budget act.

38 (b) The panel and commission, with fiscal oversight from the
39 Department of Finance or its successor, shall have procurement
40 and contracting authority and may hire staff and consultants,

1 exempt from the civil service requirements of Article VII, for the
2 purposes of this article, including legal representation. The
3 commission shall establish criteria for the hiring and removal of
4 staff and consultants, and may apply subdivision (d) of Section 2
5 to the hiring of staff and consultants to the extent practicable.

6 (c) The commission has standing in legal actions regarding a
7 redistricting plan or to establish whether funds or other resources
8 provided for the operation of the commission are adequate. The
9 commission has sole authority to determine whether the Attorney
10 General, or legal counsel hired or selected by the commission,
11 shall represent the people of the State in the commission's legal
12 defense of a redistricting plan.

13 (d) (1) The Supreme Court has original and exclusive
14 jurisdiction in all proceedings in which the validity or interpretation
15 of a final redistricting plan adopted by the commission is at issue.

16 (2) Any affected elector may file a petition for a writ of mandate
17 or writ of prohibition to challenge a final redistricting plan within
18 45 days after the plan has been certified by the commission to the
19 Secretary of State, to bar the Secretary of State from implementing
20 the plan on the grounds that the plan violates this Constitution, the
21 United States Constitution, or any federal statute.

22 (3) The court shall act expeditiously on a petition filed under
23 paragraph (2). If the court determines that a final redistricting plan
24 adopted by the commission violates this Constitution, the United
25 States Constitution, or any federal statute, the court shall fashion
26 the relief that it deems appropriate to remedy that violation and
27 otherwise accomplish the purposes of this article.

28 Fourteenth—That Section 7 is added to Article XXI thereof, to
29 read:

30 SEC. 7. (a) A member of the panel or the commission shall
31 receive a per diem of \$150 for each day that he or she is in
32 attendance at a meeting of the panel or commission, as applicable,
33 and reimbursement pursuant to statute for actual and necessary
34 traveling expenses incurred in connection with the duties performed
35 for the commission or panel. For purposes of reimbursement of
36 travel expenses under this subdivision, a member's residence is
37 deemed to be the member's post of duty.

38 (b) The commission may not meet or incur expenses after a
39 final redistricting plan is approved and certified pursuant to
40 subdivision (e) of Section 5, except with respect to any pending

1 litigation or approval by the federal government concerning the
2 plan, to revise districts if required by court order, or if the number
3 of Senate, Assembly, or State Board of Equalization districts is
4 changed.

5 (c) For purposes of this article, “day” means a calendar day,
6 except that if the final day of a period within which an act is to be
7 performed is a Saturday, Sunday, or holiday, the period is extended
8 to the next day that is not a Saturday, Sunday, or holiday.

9 (d) This article is self-executing.

10 (e) The provisions of this article are severable. If any provision
11 of this article or its application is held invalid, that invalidity shall
12 not affect other provisions or applications that can be given effect
13 without the invalid provision or application.

14 Fifteenth—That the provisions of this measure are severable.
15 If any provision of this measure or its application is held invalid,
16 that invalidity shall not affect other provisions or applications that
17 can be given effect without the invalid provision or application.

18 Sixteenth—That in the event that this measure and another
19 measure or measures relating to the number of years or terms that
20 a Member of the Legislature may serve, appear on the same
21 statewide election ballot, the provisions of the other measure or
22 measures shall be deemed to be in conflict with this measure. If
23 this measure receives a greater number of affirmative votes, the
24 provision of this measure shall prevail in their entirety, and the
25 provisions of the other measure or measures shall be null and void.