

1 **MODEL REDISTRICTING ACT**

2
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4
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9

10 A resolution to propose to the people of the State of California an amendment to the Constitution
11 of the State, by repealing Section 1 of Article XXI thereof and adding Sections 1, 2, 3, 4, 5, 6 and 7
12 thereto, relating to redistricting.

13
14 Bill No. _____, as introduced, _____. Elections: redistricting.

15
16 Existing provisions of the California Constitution require that each Member of Congress,
17 the Senate, Assembly, and Board of Equalization be elected from a district.

18
19 Existing provisions of the California Constitution require the Legislature, in the year
20 following the year in which the federal census is taken at the beginning of each decade, to adjust
21 the boundary lines of the Congress, state Senate, Assembly, and Board of Equalization districts in
22 accordance with specified standards.

23
24 This measure would delete this provision, and would instead create a procedure for the
25 appointment of an independent redistricting commission, composed of 9 members, which would
26 be charged with establishing Congress, state Senate, Assembly, and Board of Equalization districts
27 of equal population across the state, adjusted as necessary to accommodate various goals, as
28 specified.

29
30 This measure would provide that certain records of the Commission are public records and
31 provide that all phases of the redistricting process should be open, transparent, and provide
32 opportunity for significant public access and participation.

33
34 This measure would grant the Supreme Court original and exclusive jurisdiction over all
35 challenges to a redistricting plan adopted by the Commission and would require that any
36 challenges to a district be commenced within 45 days after the Commission certified the district to
37 the Secretary of State. The Supreme Court would be required to rule on any challenge within 90
38 days after the challenge is commenced. If the plan is held to be unconstitutional, the Supreme
39 Court shall itself adopt a plan within 90 days. This measure does not preclude challenges in federal
40 court.

41
42 This measure would require the Speaker of the Assembly, the minority leader of the
43 Assembly, the President Pro Tem of the Senate, the minority leader of the Senate, the Governor,
44 and the Judicial Council to select nominees from applications submitted to the Fair Political
45 Practices Commission to sit as a member of an independent redistricting commission. The Fair
46 Political Practices Commission would then select by random lot, the nine members of the

1 Commission, and would provide for the manner of filling vacancies on the Commission for these
2 designated, among other things.

3
4 This measure would require the Department of Finance to submit to the Legislature a
5 recommendation for estimated redistricting expenses, to be appropriated by the Legislature by
6 majority vote. The appropriation must be made in the year the decennial census is taken. It would
7 authorize the Commission to contract and to hire staff and consultants, including legal
8 representation, for purposes of this measure, according to a specified procedure. It would provide
9 that commissioners are eligible for reimbursement of expenses pursuant to law.

10
11 **SECTION 1. FINDINGS AND DECLARATIONS OF PURPOSE**

12
13 The People of the State of California find and declare that:

- 14
15 (a) The dilution of minority voting strength is contrary to public policy. The right of
16 meaningful political participation of minority citizens is recognized. No vote cast
17 in this State should be worth relatively more or less than another on account of the
18 voter's race, color, ethnicity or language spoken, nor on account of the drawing of
19 district lines.
20
21 (b) Traditionally disenfranchised persons must not have less opportunity than other
22 members of the electorate to participate in the political process and to elect
23 representatives of their choice.
24
25 (c) The federal Voting Rights Act of 1965, as amended, protects the voting rights of all
26 people eligible to vote in the State of California, as guaranteed by the Fourteenth
27 and Fifteenth Amendments to the United States Constitution.
28
29 (d) The federal Voting Rights Act of 1965, as amended, prohibits any State or local
30 government from imposing any voting qualification or practice that results in a
31 denial or abridgement of the rights of any citizen to vote on account of race, color
32 or language spoken.
33
34 (e) Section 2 of the Voting Rights Act of 1965, as amended, ensures that members of a
35 class of citizens protected by the Act do not have less opportunity than other
36 members of the electorate to participate in the political process and to elect
37 representatives of their choice.
38
39 (f) Conflicts of interest, protection of incumbency, partisan protection schemes, and a
40 redistricting process that have minimized public participation have limited the
41 ability of the Legislature to draw fair district boundaries.
42
43 (g) The creation of an independent redistricting commission and a redistricting process
44 that is open, transparent, and with strong remedies for violations of these principles,
45 will help avoid conflicts of interest, protection of incumbency, partisan protection
46 schemes in the development of fair district boundaries and will make the

1 Commission accountable to Californians.

- 2
- 3 (h) In order to assure that our representative system of government is open to public
4 scrutiny and free of conflicts of interest, that it fairly represents the demographic
5 composition of California’s diverse population, and that it embodies the principle
6 of “one person, one vote,” be it resolved by the Assembly, the Senate concurring,
7 that the Legislature of the State of California at its 2005-06 Regular Session
8 commencing on the sixth day of December 2004, two-thirds of the membership of
9 each house concurring, hereby proposes to the people of the State of California that
10 the Constitution of the State be amended as follow:

11

12 **SECTION 2. AMENDMENT OF ARTICLE XXI OF THE CALIFORNIA**
13 **CONSTITUTION**

14

15 Article XXI of the California Constitution is amended by repealing Section 1 thereof and
16 adding Sections 1, 2, 3, 4, 5, 6 and 7 thereto, to read:

17

18 **SECTION 1. Decennial Adjustment of Boundary Lines**

19

20 (a) In the year following the year in which the national census is taken under the
21 direction of Congress at the beginning of each decade, the boundary lines of the Congressional,
22 state Senate, Assembly, and Board of Equalization districts shall be adjusted in accordance with
23 the provisions and standards set forth in Sections 2, 3, 4, 5, 6 and 7 of this Article.

24

25 (b) Each member of Congress, state Senate, Assembly, and Board of Equalization shall
26 be elected from a district.

27

28 **SECTION 2. Establishment of Independent Redistricting Commission**

29

30 (a) By March 1 of each year ending in the number one, or no later than fifty-three days
31 after the release of PL 94-171 census data if earlier, the Independent Redistricting
32 Commission (the Commission) shall be established to provide for the redistricting
33 of Congress, state Assembly, Senate, and Board of Equalization districts.

34

35 (b) The Commission shall consist of nine members. The Commission should strive to
36 reflect the geographic, racial/ethnic, and gender diversity of California’s
37 population.

38

39 (1) To be eligible to serve, each Commission appointee must satisfy the
40 following requirements:

41

42 (A) Each Commissioner must be registered to vote in California
43 at the time of appointment;

44

45 (B) Each Commissioner must have established residency in
46 California, and have lived in California for a minimum of

1 five of the preceding seven years;

2
3 (C) Each Commissioner must not changed his or her party
4 affiliation in the preceding five years;

5
6 (D) Individuals who have served in the preceding ten years as
7 members of Congress, the State Assembly, the State Senate,
8 the Board of Equalization, or any other partisan office, other
9 than a non partisan city council member, or school district
10 governing board member or other officer of a school district,
11 shall not be eligible to serve on the Commission;

12
13 (E) Individuals who have held any elected or appointed
14 positions in any political party or as an officer in any
15 candidate's campaign committee for partisan office during
16 the preceding ten years shall not be eligible to serve on the
17 Commission;

18
19 (F) Individuals who are employed to lobby Congress or the state
20 legislature or have been registered with the state as a
21 lobbyist in the previous ten years shall not be eligible to
22 serve on the Commission;

23
24 (G) A Commissioner, during his or her term of office, and for ten
25 years thereafter, shall be ineligible for partisan public office
26 in this state, other than a non partisan city council member,
27 or school district governing board member or other officer
28 of a school district, or to serve in an elected or appointed
29 position in any political party;

30
31 (H) A Commissioner, during his or her term of office, and for
32 five years thereafter, shall be ineligible to register as a
33 federal or state lobbyist.

34
35 (2) Members of the Commission must sign, under penalty of perjury
36 under the laws of California, a statement that they satisfy the
37 qualifications described in subdivision (b) and that they shall
38 commit to applying this section in an honest, independent, and
39 impartial fashion and to upholding public confidence in the integrity
40 of the redistricting process.

41
42 (c) The members of the Commission shall be chosen through a two-part process
43 described below.

44
45 (d) By January 8 of each year ending in the number one, or no later than ten days after
46 the release of PL 94-171 census data if earlier, the Senate and Assembly majority

1 and minority leaders shall jointly develop in accordance with the eligibility
2 requirements of Section 2(b) an application for the Commission. The California
3 Fair Political Practices Commission (FPPC) shall, on its website and in its public
4 offices, make available applications for those interested in participating as a
5 member of the Commission. The application shall also be posted on the websites of
6 the California State Senate, California State Assembly, the Judicial Council of
7 California, the Office of the Governor, and the Office of the Secretary of State. In
8 addition to the list of eligibility requirements described in Section 2(b), the
9 application must require a showing of the following:

- 11 (1) Partisan affiliation;
- 12
- 13 (2) Demonstration of civic involvement and knowledge of redistricting
14 policy, civil rights, political science, demographics, voting rights,
15 public policy, or urban planning; and
- 16
- 17 (3) If the applicants are applying to be selected from the pool as
18 described in Section 2(e)(6)(b), endorsement letters from qualifying
19 Section 501(c)(3) organizations.
- 20

21 The FPPC shall be responsible for receiving applications and disbursing them.
22 Applications shall be received until February 8 of each year ending in the number
23 one, or no later than thirty days after the release of PL 94-171 census data if earlier.
24 As soon as applications are received, the FPPC shall conduct a facial review of the
25 applications for eligibility requirements as specified in Section 2(b)(1). The FPPC
26 must then transmit the applications, with an indication of eligibility, immediately,
27 but no later than five working days following the deadline for receipt of application,
28 to the office(s) that the applicant wishes to be nominated by as described in Section
29 2(e). The FPPC shall send a notice of receipt to all applicants.

30
31 (e) Appointments to the Commission shall be made in the order set forth below:

- 32
- 33 (1) No later than February 28th of each year ending in the number one,
34 or no later than fifty days after the release of PL 94-171 census data
35 if earlier, the Speaker of the Assembly shall name five nominees to
36 the Commission from the pool of nominees it has received from the
37 FPPC. The nominees should be reflective of the gender,
38 racial/ethnic and geographic diversity of California's population.
39 The Speaker of the Assembly shall provide the list of five nominees
40 to the FPPC along with any supplemental information he or she has
41 received from the nominees.
- 42
- 43 (2) No later than February 28th of each year ending in the number one,
44 or no later than fifty days after the release of PL 94-171 census data
45 if earlier, the minority floor leader of the Assembly shall name five
46 nominees to the Commission from the pool of nominees it has

1 received from the FPPC. The nominees should be reflective of the
2 gender, racial/ethnic, and geographic diversity of California's
3 population and shall meet the eligibility qualifications described in
4 subdivision (b) of this section. The minority floor leader of the
5 Assembly shall provide the list of five nominees to the FPPC along
6 with any supplemental information he or she has received from the
7 nominees.
8

9 (3) No later than February 28th of each year ending in the number one,
10 or no later than fifty days after the release of PL 94-171 census data
11 if earlier, the President pro Tempore of the Senate shall name five
12 nominees to the Commission from the pool of nominees it has
13 received from the FPPC. The nominees should be reflective of the
14 gender, racial/ethnic, and geographic diversity of California's
15 population and shall meet the eligibility qualifications described in
16 subdivision (b) of this section. The President pro Tempore of the
17 Senate shall provide the list of five nominees to the FPPC along
18 with any supplemental information he or she has received from the
19 nominees.
20

21 (4) No later than February 28th of each year ending in the number one,
22 or no later than fifty days after the release of PL 94-171 census data
23 if earlier, the minority leader of the Senate shall name five nominees
24 to the Commission from the pool of nominees it has received from
25 the FPPC. The nominees should be reflective of the gender,
26 racial/ethnic, and geographic diversity of California's population
27 and shall meet the eligibility qualifications described in subdivision
28 (b) of this section. The minority leader of the Senate shall provide
29 the list of five nominees to the FPPC along with any supplemental
30 information he or she has received from the nominees.
31

32 (5) No later than February 28th of each year ending in the number one,
33 or no later than fifty days after the release of PL 94-171 census data
34 if earlier, the Governor of California shall name five nominees to
35 the Commission from the pool of nominees it has received from the
36 FPPC. The nominees should be reflective of the gender,
37 racial/ethnic, and geographic diversity of California's population
38 and shall meet the eligibility qualifications described in subdivision
39 (b) of this section. The Governor's nominees must be members of a
40 party other than his or her own party and the two major parties or a
41 nominee without party affiliation. The Governor shall provide the
42 list of five nominees to the FPPC along with any supplemental
43 information he or she has received from the nominees.
44

45 (6)(A) No later than February 28th of each year ending in the number one,
46 or no later than fifty days after the release of PL 94-171 census data

1 if earlier, the Judicial Council of California shall name 10 nominees
2 to the Commission from a pool of retired California federal or state
3 judges it has received from the FPPC. The nominees should be
4 reflective of the gender, racial/ethnic, and geographic diversity of
5 California's population and shall meet the eligibility qualifications
6 described in subdivision (b) of this section. The two largest political
7 parties in California based on voter registration shall be equally
8 represented among no more than eight of such nominees. The other
9 nominees shall be affiliated with a party that is neither of the two
10 such largest parties or shall have no partisan affiliation at all. The
11 Judicial Council shall provide the list of 10 nominees to the FPPC
12 along with any supplemental information it has received from the
13 nominees.
14

15 (B) No later than February 28th of each year ending in the
16 number one, or no later than fifty days after the release of PL
17 94-171 census data if earlier, the Judicial Council of
18 California shall name 10 nominees who were endorsed by
19 non-partisan organizations with tax-exempt status under
20 Section 501(c)(3) of the Internal Revenue Code, or any
21 successor section, whose mission statement as written in
22 their by-laws, or similar document, reflects that they are
23 dedicated to addressing the needs of traditionally under
24 represented populations protected under the Voting Rights
25 Act of 1965, *see* 42 U.S.C. § 1973 and the Help America
26 Vote Act of 2002, *see* 42 U.S.C. § 15301, from the list it has
27 received from the FPPC. Applications with endorsement
28 letters from a broad array of qualifying organizations shall
29 be given greater weight. The nominees should be reflective
30 of the gender, racial/ethnic, and geographic diversity of
31 California's population and shall meet the eligibility
32 qualifications described in subdivision (b) of this section.
33 The Judicial Council shall provide the list of ten nominees to
34 the FPPC along with any supplemental information it has
35 received from the nominees.
36

37 (C) If the nominations by those persons or entities described in
38 subdivision (e)(1)-(5) of this section are not made by
39 February 28, or no later than no later than fifty days after the
40 release of PL 94-171 census data if earlier, such nominations
41 are forfeited and the Judicial Council of California shall
42 name five replacement nominees from the remaining
43 nominees described in subdivision (e)(6)(B) of this section.
44

45 (7)(A) No later than March 1, or no later than fifty-three days after
46 the release of PL 94-171 census data if earlier, the FPPC

1 must make available on its website copies of the nominees'
2 applications and any supplemental information provided.
3 Address and telephone information must be redacted before
4 being made public.
5

6 (B) No later than March 1 or no later than fifty-three days after
7 the release of PL 94-171 census data if earlier, the FPPC
8 must select nine members of the Commission by random lot,
9 as described below, except that no more than three persons
10 shall be from one political party:
11

12 (i) One Commissioner from the Speaker of the
13 Assembly's nominees.
14

15 (ii) One Commissioner from the minority leader of the
16 Assembly's nominees.
17

18 (iii) One Commissioner from the President Pro Tem of
19 the Senate's nominees.
20

21 (iv) One Commissioner from the minority leader of the
22 Senate's nominees.
23

24 (v) One Commissioner from the Governor's nominees.
25

26 (vi) Two Commissioners from the Judicial Council's list
27 of nominees in accordance with subdivision (e)(6)(a)
28 of this section.
29

30 (vii) Two Commissioners from the Judicial Council's list
31 of nominees in accordance with (e)(6)(b) of this
32 section.
33

34 (f) Any vacancy, whether voluntary or through removal, in the nine Commission
35 positions described in subdivision (e) of this section that remains as of March 1 of a
36 year ending in the number one, or no later than fifty-three days after the release of
37 PL 94-171 census data if earlier, shall be filled from the lists of named nominees
38 described in subdivision (e) of this section. The selection of the successor member
39 shall be by lot by the FPPC from the same list of named nominees from which the
40 the member vacating the Commission was originally selected pursuant to
41 subdivision (e) of this section.
42

43 SECTION 3. Operation of Commission

44 (a) The nine members of the Commission shall select by majority vote one of their
45 members to serve as chairperson.
46

- 1
- 2 (b) The nine members of the Commission shall select by majority vote one of their
- 3 members to serve as vice chairperson. The vice chairperson shall be of a different
- 4 party than the chairperson.
- 5
- 6 (c) After having been served written notice and provided with an opportunity for a
- 7 response, a member of the Commission may be removed by the Governor, with the
- 8 concurrence of two-thirds of the Senate, for substantial neglect of duty, gross
- 9 misconduct in office, or inability to discharge the duties of office. Removable
- 10 offense shall include violation of the prohibition on ex parte communications and
- 11 ex parte communication reporting requirements described in subdivision (a)(4) of
- 12 Section 5. A removable offense shall also include subsequently discovered
- 13 information that the member of the Commission does not satisfy the qualifications
- 14 described in subdivision (b)(1) of Section 3.
- 15
- 16 (d) Five members, one of whom is the chairperson or vice chairperson, constitute a
- 17 quorum. Five or more affirmative votes are required for any official action. The
- 18 Commission shall conduct business only in meetings open to the public, and shall
- 19 provide not less than 48 hours' public notice of each meeting. Notice shall be
- 20 provided on a special website that the Commission shall establish, as well as on the
- 21 websites of the Secretary of State and the State Senate and State Assembly.
- 22
- 23 (e) All writings and documents prepared by or for the use of the Commission and
- 24 Commission staff shall be deemed "public records" within the meaning of
- 25 Government Code Section 6252. All such public records shall be available for
- 26 public inspection in accordance with the Public Records Act, commencing with
- 27 Section 6250 of Chapter 3.5 of Division 7 of Title of the Government Code, or any
- 28 successor act. The Commission shall make all submitted plans, including its initial
- 29 plan and revised plans, hearing transcripts, meeting minutes, maps, narrative
- 30 descriptions of proposed districts, and other data publicly available at a website it
- 31 shall establish.
- 32

33 SECTION 4. Redistricting Criteria

34

- 35 (a) The Commission shall establish Congress, state Assembly, Senate, and Board of
- 36 Equalization districts. The Commission shall draw districts according to the
- 37 following goals, prioritized in the order listed, and in no case shall subdivision (1)
- 38 of this section be superceded by remaining criteria:
- 39
- 40 (1) Districts shall comply with the United States Constitution and the
- 41 federal Voting Rights Act of 1965 (42 U.S.C. Sec. 1971 et seq.) The
- 42 plan shall neither disperse nor concentrate minority populations
- 43 protected under the Voting Rights Act in a manner that has an
- 44 adverse effect on their political influence.
- 45
- 46 (2) Congress, Assembly, Senate, and Board of Equalization districts

1 shall each have equal population per representative with other
2 districts of the same type, to the extent practicable, and in
3 accordance with federal constitutional standards.

4
5 (3) Districts shall be geographically contiguous.

6
7 (4) Each state Senate district shall be composed of an equal number of
8 Assembly districts and each Board of Equalization district shall be
9 composed of an equal number of Senate districts, except where to
10 do so would violate the federal Voting Rights Act.

11
12 (5) District boundaries shall respect communities of interest to the
13 extent practicable. Communities of interest shall include, but not be
14 limited to, shared socio-economic status characteristics, language
15 needs, educational attainment levels. Communities of interest shall
16 *not* be defined as a person or group's presence in a particular district
17 or representation by a particular legislator.

18
19 (6) To the extent practicable, district lines shall use visible geographic
20 features, city and county boundaries, and undivided census tracts.

21
22 (7) To the extent practicable, districts shall be geographically compact
23 with reasonable access between population centers in the district.

24
25 (b) Party registration and voting history data may be used by independent consultants
26 and experts hired by the Commission pursuant to subdivision (a)(6) of Section 5 to
27 test maps for compliance with the goals set forth in subdivision (a) of Section 4.
28 The places of residence of incumbents or candidates may not be identified or
29 considered by the Commission for purposes of this section.

30
31 **SECTION 5. Public Access and Transparency Requirements**

32
33 (a) The Commission must set the schedule and location of public hearings throughout
34 the state, no later than two weeks after their first meeting. Public hearings must
35 commence no later than two months after their first meeting. The Commission
36 must hold at least seven consecutive, not concurrent, public hearings throughout
37 the state, with sufficient notice provided, to invite written or oral testimony and
38 submission of plans. Notice of meetings shall be in accordance with state law
39 requirements and shall also be published on the websites for the Commission, the
40 Secretary of State, and the California Senate and Assembly. To ensure public
41 access and consideration of public testimony and plans, the Commission may
42 review testimony and submitted plans, but not begin to draft their own plan until
43 completion of the seven public hearings. At least one month prior to the
44 commencement of the public hearings, the Commission shall draft guidelines for
45 submission of written testimony and redistricting plans to assist in the public's and
46 the Commission's analysis. The guidelines shall recommend that submitted plans

1 include information that will assist the Commission in analyzing each submission,
2 including reports on compliance with the redistricting criteria outlined in Section 4.
3 In no case, however, shall a plan be rejected for failure to comply with submission
4 requirements.
5

6 (1) The Commission must make transcripts of the hearing available
7 within 72 hours after the completion of a hearing. Transcripts must
8 be made available on the websites for the Commission, the
9 Secretary of State, and the California Senate and Assembly. Live
10 streaming audio and/or video should also be made available on the
11 websites for the Independent Redistricting Commission, the
12 Secretary of State, and the California Senate and Assembly, and in
13 no case later than three days after each hearing.
14

15 (2) Submitted written testimony must be made available on the
16 websites for the Commission, the Secretary of State, and the
17 California Senate and Assembly within 72 hours after the
18 completion of the hearing. All redistricting plans submitted to the
19 Commission must be made available on the websites for the
20 Commission, the Secretary of State, and the California Senate and
21 Assembly within 72 hours after the completion of the hearing. This
22 includes all data and GIS files submitted with a plan. The
23 Commission must not afford any special privileges to any individual,
24 party, legislator, or organization during these hearings for
25 presentation of plans or testimony.
26

27 (3) The Commission shall establish three or more public redistricting
28 centers throughout the state, with appropriate hardware, software,
29 and data tools and technical assistance support, to encourage
30 members of the public to design and submit their own plans and to
31 assist in the analysis of submitted or recommended plans. These
32 centers must be fully operational no later than three weeks after
33 formation of the Commission.
34

35 (4) Ex parte communications with members of the Commission or their
36 staff or consultants are prohibited. Commissioners, their staff, or
37 consultants must report any such communications and the written or
38 oral content of those communications and make them available on
39 the websites for the Commission, the Secretary of State, and the
40 California Senate and Assembly within 24 hours after the
41 communication. With respect to [Section 1 and Section 2] of this
42 Act, members of the Commission, their staff and consultants and
43 state legislators and United States Congressmembers may not
44 exercise any legislative or deliberative process privilege. Meetings
45 of the Commission shall be open and public in accordance with the
46 Bagley-Keene Open Meeting Act, commencing with Section 11120

1 of Chapter 1 of Part 1 of Division 3 of the Government Code, or any
2 successor act.

3
4 (5) The Commission shall hire independent consultants and experts to
5 assist in analyzing submitted testimony, plans, and in the drafting of
6 a Commission plan. The independent consultants shall evaluate the
7 Commission's initial draft plan and final proposed plan for
8 compliance with defined redistricting criteria, including,
9 specifically, Section 2 and Section 5 of the Voting Rights Act.
10 Those evaluations shall be considered by the Commission and must
11 be made publicly available on the websites for the Commission, the
12 Secretary of State, and the California Senate and Assembly prior to
13 the hearings held after the initial draft plan and final proposed plan
14 are made available as described in subdivision (a)(6) of this section.
15 Within the ten years immediately preceding such hiring, an
16 independent consultant or expert may not have been appointed to,
17 elected to, or a candidate for any other public office, a non partisan
18 city council member, or other than school district governing board
19 member or other officer of a school district or county office of
20 education, and may not have served as an officer of a political party
21 or as an officer of a candidate's campaign committee, and within the
22 five years immediately preceding appointment, an independent
23 consultants or experts may not have served as a registered paid
24 lobbyist. Independent consultants and experts hired must sign,
25 under penalty of perjury, that they satisfy the requirements of this
26 subdivision. Violations require immediate removal

27
28 (6) For its initial draft plan and its final proposed plan, the Commission
29 shall display a draft map of Congress, and state Assembly, Senate,
30 and Board of Equalization districts to the public for comment, in a
31 manner designed to achieve the widest public dissemination
32 reasonably possible and also made available on the websites for the
33 Commission, the Secretary of State, and the California Senate and
34 Assembly, and public comment shall be taken for at least 30 days
35 from the date of public display of each of such maps. At least five
36 hearings must be held after the Commission has adopted an initial
37 draft plan to invite testimony and public comment, and at least five
38 hearings must be held after the Commission has adopted a final
39 proposed plan to invite testimony and public comment. Initial draft
40 plans, proposed final plans, and final plans must be made publicly
41 available via website and include the necessary GIS, census and
42 additional data such as is necessary for public analysis. These
43 hearings should be set up and established in accordance, where
44 applicable, with subdivision (a) of this section. Either the Assembly
45 or the Senate, or both, may act within this period to make
46 recommendations to the Commission by majority or by minority

1 report, which recommendations shall be considered by the
2 Commission. Those recommendations shall be made available
3 within 24 hours on the websites for the Commission, the Secretary
4 of State, and the California Senate and Assembly. Members of the
5 public may provide written or oral testimony on the legislative
6 reports. If the Commission adopts significant changes after
7 adopting its final proposed plan, the plan must again be made
8 available for 30 days and the opportunity for public comment
9 provided. The Commission shall then establish final boundaries for
10 Congress, and state Assembly, Senate, and Board of Equalization
11 districts, and shall certify those districts to the Secretary of State.
12 The Commission may approve a final proposed plan and a final plan
13 only after receiving two-thirds of the Commission vote. The final
14 proposed plan and final plan must contain a report, made available
15 to the public as outlined above, that addresses, in a thorough and
16 detailed manner, the following issues:

- 17
- 18 (A) Compliance with the U.S. Constitution and the
19 federal Voting Rights Act, including specifically
20 Sections 2 and 5 of the Voting Rights Act.
- 21 (B) Compliance with other identified primary and
22 secondary redistricting criteria.
- 23

24 SECTION 6. Funding

25

- 26 (a) The provisions of this section are self-executing.
- 27
- 28 (b) In each year ending in the number nine, the Department of Finance or its successor
29 shall submit to the Legislature a recommendation for an appropriation adequate to
30 meet the estimated expenses of the subsequent redistricting process occurring
31 pursuant to this section, and shall make adequate office space available for the
32 operation of the Commission. Notwithstanding Section 12 of Article IV, the
33 Legislature shall make the necessary appropriation by bill passed by roll call vote
34 entered in the journal, a majority of the membership of each house concurring.
- 35
- 36 (c) An Independent Redistricting Fund is hereby created within the State Treasury and
37 shall be continuously appropriated for carrying out the purposes of this Act. In
38 fiscal years 2010-2011, subject to the limitations of Section 7.5 of Article IV, the
39 Legislature shall transfer \$10 million from its operating fund into the Independent
40 Redistricting Fund. No other public moneys shall be appropriated or expended for
41 redistricting, except as necessary. Each decennial fiscal year thereafter, the
42 Legislature shall transfer a like amount to the Independent Redistricting Fund,
43 adjusted in accordance with the Consumer Price Index for the state of California as
44 reported by the Division of Labor Standards or its successor agency, and reduced
45 by the amount of any unexpended monies previously transferred to the Independent
46 Redistricting Fund. The Controller shall draw warrants on said fund no less

1 frequently than monthly for the purposes of paying the expenses of the
2 Commission.

3
4 (d) The Commission, with fiscal oversight from the Department of Finance or its
5 successor, shall have procurement and contracting authority and may hire staff and
6 consultants for the purposes of this section, including legal representation, as
7 described in subdivision (a)(6) of section 5.

8
9 (e) Each commissioner shall be compensated at the same rate and in the same manner
10 as a member of the California Citizens Compensation Commission pursuant to
11 section 8(j) of Article III and shall receive their actual and necessary expenses
12 including travel expenses incurred in the discharge of their duties.

13
14 (f) The term of office of each member of the Commission expires upon the adoption of
15 a redistricting plan or the conclusion of litigation brought under subdivision (a) and
16 (b) of section 7 or any other redistricting litigation or until appointment of the first
17 member of the succeeding Commission, whichever is first. The Commission may
18 not meet or incur expenses after the redistricting plan becomes final pursuant to
19 subdivision (a) of section 5, except with respect to any pending litigation or
20 government approval concerning the plan, to revise districts if required by court
21 order, or if the number of Congress, and state Assembly, Senate, or Board of
22 Equalization districts is changed.

23
24 SECTION 7. Legal Standing and Jurisdiction

25
26 (a) The Commission has standing in legal actions regarding a redistricting plan and to
27 establish whether funds or other resources provided for the operation of the
28 Commission are adequate. The Commission has sole authority to determine
29 whether the Attorney General or counsel hired or selected by the Commission shall
30 represent the people of California in the legal defense of a redistricting plan.
31 Members of the Commission or their staff, individually, or as a body, may not
32 exercise any form of legislative privilege.

33
34 (b) The Supreme Court of California shall have original and exclusive jurisdiction in
35 all proceedings where a plan adopted by the Commission is challenged. To
36 challenge a redistricting plan, a resident of a challenged district shall commence an
37 action for injunctive or other relief within 45 days after the Commission has
38 certified the district to the Secretary of State. A challenged district is defined as a
39 district in which a plaintiff lives that he or she claims does not comply with the
40 requirements of Section 4. The Supreme Court shall rule on any challenge within
41 90 days after an action challenging a redistricting plan is commenced. If the
42 Supreme Court determines that a redistricting plan adopted by the Commission
43 violates this Constitution, the United States Constitution, or any federal statute, the
44 Supreme Court shall, within 90 days, prepare and adopt a revised redistricting plan
45 in accordance with the standards set forth in this section. Nothing in this section
46 shall bar an action in federal court. The Supreme Court of California shall have

1 original and exclusive jurisdiction if the Commission has been unable to adopt a
2 plan by October 1 following the formation of the Commission or 180 days after
3 receipt of the necessary census data, whatever is later. The Supreme Court shall
4 use the Commission with its staff, if at all possible, as special masters.
5

- 6 (c) For purposes of this section, "day" means a calendar day, except that if the final day
7 of a period within which an act is to be performed is a Saturday, Sunday, or holiday,
8 the period is extended to the next working day.
9
- 10 (d) If any person, or entity fails to discharge their duties as outlined in this Article, any
11 person may file a Writ of Mandate to compel that person or entity to discharge their
12 duties. The Superior Court of California, Sacramento County, shall have original
13 jurisdiction in such matters.
14

15 SECTION 8. Conflicting Measures
16

- 17 (a) In the event that this measure and another measure or measures relating to the
18 redistricting of Congress, and state Assembly, Senate, and Board of Equalization
19 districts is approved by a majority of the voters at the same election, and this measure
20 receives a greater number of affirmative votes than any other such measure or measures,
21 this measure shall control in its entirety and said other measure or measures shall be
22 rendered void and without any legal effect. If this measure is approved but does not
23 receive a greater number of affirmative votes than said other measure or measures, this
24 measure shall take effect to the extent permitted by law.
25

26 SECTION 9. Severability
27

- 28 (a) If any provision of this article or the application thereof to any person or circumstances is
29 held invalid, such invalidity shall not affect other provisions or applications of the article
30 which can be given effect without the invalid provision or application, and to this end the
31 provisions of this article are declared to be severable.