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INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Ms. Patricia Galvan
Initiative Coordinator
Office of the Attorney General
State of California
P.O. Box 994255
Sacramento, CA 94244-25550

Re: Request for Title and Summary for Proposed Initiative

Dear Ms. Galvan:

Pursuant to Article II, section 10(d) of the California Constitution, I am submitting the text of the attached proposed statewide ballot measure to your office and request that you prepare a title and summary of the measure as provided by law.

Attachment A to this submission is the required proponent statement signed by me pursuant to section 9608 of the California Elections Code. Attachment B to this letter contains my address as registered to vote, and I confirm that I am a registered voter in California.

Finally, I have also included a check payable to the State of California for the \$200 filing fee.

Thank you for your time and attention to this important matter. If you require additional information or have any questions, please do not hesitate to contact me at

Best regards,

/ William "Bill" S. Price, III

Enclosures

Section 1. Title.

This Act shall be known and may be cited as the "The Voters Restoration Act."

Section 2. Findings and Purpose.

The People of the State of California hereby make the following findings and declare their purpose in enacting the Act is as follows:

- (a) Under current law, California legislators draw their own political districts. Allowing politicians to draw their own districts is a serious conflict of interest that harms voters. That is why 99 percent of incumbent politicians were re-elected in the districts they had drawn for themselves in the recent elections.
- (b) Politicians draw districts that serve their interests, not those of our communities. For example, cities such as Long Beach, San Jose, and Fresno are divided into multiple oddly shaped districts to protect incumbent legislators. Voters in many communities have no political voice because they have been split into as many as four different districts to protect incumbent legislators. We need reform to keep our communities together so everyone has representation.
- (c) This reform will make the redistricting process open so it cannot be controlled by the party in power but instead by an independent commission. It will give us an equal number of Democrats and Republicans on the commission, and will ensure full participation of independent voters – whose voices are completely shut out of the current process. In addition, this reform requires support from Democrats, Republicans, and independents for approval of new redistricting plans.
- (d) The independent Citizens Redistricting Commission will draw districts based on strict, non-partisan rules designed to ensure fair representation. The reform takes redistricting out of the partisan battles of the Legislature and guarantees redistricting will be debated in the open with public meetings, and all minutes will be posted publicly on the Internet. Every aspect of this process will be open to scrutiny by the public and the press.
- (e) In the current process, politicians are choosing their voters instead of voters having a real choice. This reform will put the voters back in charge.

Section 3. Amendment of Article XXI of the California Constitution.

Article XXI of the California Constitution is amended to read as follows:

Article XXI. ~~Reapportionment~~ Redistricting of Senate, Assembly, Congressional and Board of Equalization Districts.

SEC. 1. In the year following the year in which the national census is taken under the direction of Congress at the beginning of each decade, the Legislature shall adjust the boundary

lines of the ~~Senatorial, Assembly, Congressional and Board of Equalization~~ congressional, districts in conformance with the following standards and process:

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

(b) The population of all congressional districts of a ~~particular type~~ shall be reasonably equal. After following this criterion, the Legislature shall adjust the boundary lines according to the criteria set forth and prioritized in paragraphs (2), (3), (4), and (5) of subdivision (d) of Section 2. The Legislature shall issue, with its final map, a report that explains the basis on which it made its decisions in achieving compliance with these criteria and shall include definitions of the terms and standards used in drawing its final map.

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

~~(cd)~~ Districts of each type Congressional districts shall be numbered consecutively commencing at the northern boundary of the State and ending at the southern boundary.

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

(d) The Legislature shall coordinate with the Citizens Redistricting Commission established pursuant to Section 2 to hold concurrent hearings, provide access to redistricting data and software, and otherwise ensure full public participation in the redistricting process. The Legislature shall comply to the same extent as the Citizens Redistricting Commission with the open hearing requirements of paragraphs (1), (2), (3), and (7) of subdivision (a) of Section 8253, and with subdivision (b) of Section 8253 of the California Government Code, or their successor provisions.

SEC. 2. (a) A Citizens Redistricting Commission shall adjust the boundary lines (also known as "redistrict") of the State Senate, Assembly and Board of Equalization districts. This commission shall be created no later than December 31 in 2010 and in each year ending in the number zero thereafter.

(b) The Citizens Redistricting Commission shall: (1) conduct an open and transparent process enabling full public consideration of and comment on the drawing of district lines; (2) draw district lines according to the redistricting criteria specified in this article; and (3) conduct itself with integrity and fairness.

(c) (1) The selection process is designed to produce a Citizens Redistricting Commission that is independent from legislative influence and reasonably representative of this state's diversity.

(2) The Citizens Redistricting Commission shall consist of 14 members as follows: five who are registered with the largest political party in California based on registration, five who are registered with the second largest political party in California based on registration, and four who are not registered with either of the two largest political parties in California based on registration.

(3) Each commission member shall be a voter who has been continuously registered in California with the same political party or unaffiliated with a political party and who has not changed political party affiliation for five or more years immediately preceding the date of his or her appointment. Each commission member shall have voted in two of the last three statewide general elections immediately preceding his or her application.

(4) The term of office of each member of the commission expires upon the appointment of the first member of the succeeding commission.

(5) Ten members of the commission shall constitute a quorum. Ten or more affirmative votes shall be required for any official action. Each of the three final maps for the Senate, Assembly, and Board of Equalization districts must be approved by at least ten affirmative votes which must include at least three votes of members registered from each of the two largest political parties in California based on registration and three votes from members who are not registered with either of these two political parties.

(6) Each commission member shall apply this article in a manner that is impartial and that reinforces public confidence in the integrity of the redistricting process. A commission member shall be ineligible for a period of ten years beginning from the date of appointment to hold elective public office at the federal, state, county or city level in this State. A member of the commission shall be ineligible for a period of five years beginning from the date of appointment to hold appointive federal, state, or local public office, to serve as paid staff for the Legislature or any individual legislator or to register as a federal, state or local lobbyist in this State.

(d) The commission shall establish single-member districts for the Senate, Assembly and State Board of Equalization in conformance with the following criteria as set forth in the following order of priority:

(1) Districts shall comply with the United States Constitution. Senate, Assembly, and State Board of Equalization districts shall have reasonably equal population with other districts for the same office, except where deviation is required to comply with the federal Voting Rights Act or where permissible under the United States Constitution for purposes of complying with the criteria set forth in this subdivision.

(2) Districts shall comply with the federal Voting Rights Act (42 U.S.C. Sec. 1971 and following).

(3) Districts shall be geographically contiguous.

(4) The geographic integrity of any city, county, or city and county shall be respected to the extent possible so as to create the most whole counties possible, the fewest county fragments possible, the most whole cities possible, and the fewest city fragments possible. Similarly, the geographic integrity of local neighborhoods and local communities of interest shall be respected to the extent possible. Communities of interest shall not include relationships with political parties, incumbents or political candidates.

(5) To the extent practicable, districts shall be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant population.

(6) To the extent practicable, each Senate district shall be comprised of two whole, complete and adjacent Assembly districts, and each Board of Equalization district shall be comprised of 10 whole, complete and adjacent Senate districts.

(e) The place of residence of any incumbent or political candidate shall not be considered in the creation of a map. Districts shall not be drawn for the purpose of favoring or discriminating against an incumbent, political candidate, or political party.

(f) Districts for the Senate, Assembly, and State Board of Equalization shall be numbered consecutively commencing at the northern boundary of the State and ending at the southern boundary.

(g) By September 15 in 2011 and in each year ending in the number one thereafter, the commission shall approve three final maps that separately set forth the district boundary lines for

the Senate, Assembly, and State Board of Equalization districts. Upon approval, the commission shall certify the three final maps to the Secretary of State.

(h) The commission shall issue, with each of the three final maps, a report that explains the basis on which the commission made its decisions in achieving compliance with the criteria listed in subdivision (d) and shall include definitions of the terms and standards used in drawing each final map.

(i) Each certified final map shall be subject to referendum in the same manner that a statute is subject to referendum pursuant to Section 9 of Article II. The date of certification of a final map to the Secretary of State shall be deemed the enactment date for purposes of Section 9 of Article II.

(j) If the commission does not approve a final map by the requisite votes by the deadline set forth in subdivision (g), or if voters disapprove a certified final map in a referendum, the Secretary of State shall immediately petition the California Supreme Court for an order directing the appointment of special masters to adjust the boundary lines of that particular set of districts in accordance with the redistricting criteria and requirements set forth in subdivisions (d), (e), and (f). The same or another remedy may be sought where a certified final map does not take effect for other reasons.

SEC. 3. (a) The commission has the sole legal standing to defend any action regarding a certified final map, and shall inform the Legislature if it determines that funds or other resources provided for the operation of the commission are not adequate. The Legislature shall provide adequate funding to defend any action regarding a certified map. The commission has sole authority to determine whether the Attorney General or other legal counsel retained by the commission shall assist in the defense of a certified final map.

(b) (1) Any registered voter in this state may file a petition for a writ of mandate or writ of prohibition, within 45 days after the commission has certified a final map to the Secretary of State, to bar the Secretary of State from implementing the plan on the grounds that the filed plan violates the State Constitution, the United States Constitution, or any federal or state statute.

(2) The California Supreme Court shall have original and exclusive jurisdiction in any petition filed under paragraph 1 and shall give priority to ruling on said petition. If the court determines that a final certified map violates the State Constitution, the United States Constitution, or any federal or state statute, the court shall fashion the relief that it deems appropriate.

Section 4. Amendment of California Government Code.

Chapter 3.2 (commencing with Section 8251) is added to Division 1 of Title 2 of the Government Code to read as follows:

CHAPTER 3.2 Citizens Redistricting Commission

8251. Citizens Redistricting Commission General Provisions.

(a) This Chapter implements Article XXI of the California Constitution by establishing the process for the selection and governance of the Citizens Redistricting Commission.

(b) For purposes of this Chapter, the following terms are defined:

(1) "Commission" means the Citizens Redistricting Commission.

(2) "Day" means a calendar day, except that if the final day of a period within which an act is to be performed is a Saturday, Sunday, or holiday, the period is extended to the next day that is not a Saturday, Sunday, or holiday.

(3) "Panel" means the Applicant Review Panel.

(4) "Qualified independent auditor" means an auditor who is currently licensed by the California Board of Accountancy, who has never been subject to a disciplinary action by any board of accountancy which has issued him or her a license or to any disciplinary actions or sanctions by the United States Securities and Exchange Commission, and who has been a practicing independent auditor for at least 10 years prior to appointment to the Applicant Review Panel.

(c) The Legislature may not amend this Chapter unless all of the following are met:

(1) By the same vote required for the adoption of the final set of maps, the commission recommends amendments to this Chapter to carry out its purpose and intent.

(2) The exact language of the amendments provided by the commission is enacted as a statute approved by a two-thirds vote of each house of the Legislature and signed by the Governor.

(3) The bill containing the amendments provided by the commission is in print for 10 days before final passage by the Legislature.

(4) The amendments further the purposes of this Act.

(5) The amendments may not be passed by the Legislature in a year ending in 0 or 1.

8252. Citizens Redistricting Commission Selection Process

(a) (1) By January 1 in 2010 and in each year ending in the number zero thereafter, the State Auditor shall establish and initiate an application process drawn from randomly solicited registered voters throughout the state and designed to promote a diverse and qualified pool of applicants among registered voters from which the Citizens Redistricting Commission specified in article XXI, section 2 of the California Constitution shall be appointed pursuant to the process set forth herein.

(2) The State Auditor shall remove from the applicant pool individuals with conflicts of interest including:

(A) Within the 10 years immediately preceding the date of application, neither the applicant, nor a member of his or her immediate family, may have done any of the following:

(i) Been appointed to, elected to, or have been a candidate for federal or state office.

(ii) Served as an officer, employee, or paid consultant of a political party or of the campaign committee of a candidate for elective federal or state office.

(iii) Served as an elected or appointed member of a political party central committee.

(iv) Been a registered federal, state or local lobbyist.

(v) Served as paid congressional, legislative, or Board of Equalization staff.

(vi) Contributed \$2,000 or more to any congressional, state or local candidate for elective public office in any year, which shall be adjusted every ten years by the cumulative change in the California Consumer Price Index, or its successor.

(B) Staff and consultants to, persons under a contract with, and any person with an immediate family relationship with the Governor, a member of the Legislature, a member of Congress, or a member of the State Board of Equalization, are not eligible to serve as commission members.

(3) As used in this subdivision, a member of a person's "immediate family" is one with whom the person has a bona fide relationship established through blood or legal relation, including parents, children, siblings, and in-laws.

(b) The State Auditor shall establish an Applicant Review Panel, consisting of three qualified independent auditors, to screen applicants. With the assistance of the California Board of Accountancy, the State Auditor shall randomly draw the names of three qualified independent auditors from a pool consisting of all auditors licensed by the California Board of Accountancy at the time of the drawing. The State Auditor shall draw until the names of three qualified auditors have been drawn including one who is registered with the largest political party in California based on party registration, one who is registered with the second largest political party in California based on party registration, and one who is not registered with either of the two largest political parties in California. After the drawing, the State Auditor shall notify the three qualified independent auditors whose names have been drawn that they have been selected to serve on the panel. If any of the three qualified independent auditors decline to serve on the panel, the State Auditor shall resume the random drawing until three qualified independent auditors who meet the requirements of this subdivision have agreed to serve on the panel. A member of the panel shall be subject to the conflict of interest provisions set forth in paragraph (2) of subdivision (a).

(c) Having removed individuals with conflicts of interest from the applicant pool pursuant to paragraph (2) of subdivision (a), the State Auditor shall no later than August 1 in 2010 and in each year ending in the number zero thereafter publicize the names in the applicant pool and provide copies of their applications to the Applicant Review Panel.

(d) From the applicant pool, the Applicant Review Panel shall select by unanimous vote 60 of the most qualified applicants, including 20 who are registered with the largest political party in California based on registration, 20 who are registered with the second largest political party in California based on registration, and 20 who are not registered with either of the two largest political parties in California based on registration. These subpools shall be created on the basis of relevant analytical skills, ability to be impartial, and appreciation for California's diverse demographics and geography. The members of the panel shall not communicate with any state Board of Equalization member, Senator, Assembly member, congressional member or their representatives about any matter related to the nomination process or applicants prior to the presentation by the panel of the pool of recommended applicants to the Secretary of the Senate and the Chief Clerk of the Assembly.

(e) By October 1 in 2010 and in each year ending in the number zero thereafter, the Applicant Review Panel shall present its pool of recommended applicants to the Secretary of the Senate and the Chief Clerk of the Assembly. No later than November 15 in 2010 and in each year ending in the number zero thereafter, the President pro Tempore of the Senate, the Minority Floor leader of the Senate, the Speaker of the Assembly and the Minority Floor Leader of the Assembly may each strike up to two applicants from each subpool of 20 for a total of eight possible strikes per subpool. After all legislative leaders have exercised their strikes, the Secretary of the Senate and the Chief Clerk of the Assembly shall jointly present the pool of remaining names to the State Auditor.

(f) No later than November 20 in 2010 and in each year ending in the number zero thereafter, the State Auditor shall randomly draw eight names from the remaining pool of applicants as follows: three from the remaining subpool of applicants registered with the largest political party in California based on registration, three from the remaining subpool of applicants

registered with the second largest political party in California based on registration, and two from the remaining subpool of applicants who are not registered with either of the two largest political parties in California based on registration. These eight individuals shall serve on the Citizens Redistricting Commission.

(g) No later than December 31 in 2010 and in each year ending in the number zero thereafter, the eight commissioners shall review the remaining names in the pool of applicants and appoint six applicants to the commission as follows: two from the remaining subpool of applicants registered with the largest political party in California based on registration, two from the remaining subpool of applicants registered with the second largest political party in California based on registration, and two from the remaining subpool of applicants who are not registered with either of the two largest political parties in California based on registration. The six appointees must be approved by at least five affirmative votes which must include at least two votes of commissioners registered from each of the two largest political parties and one vote from a commissioner who is not affiliated with either of the two largest political parties in California. The six appointees shall be chosen on the basis of their relevant analytic skills, their ability to be impartial, and their contribution to enabling the commission to include diverse perspectives that reflect the state's rich diversity. However, it is not intended that formulas or specific ratios be applied for this purpose.

8252.5 Citizens Redistricting Commission Vacancy, Removal, Resignation, Absence.

(a) In the event of substantial neglect of duty, gross misconduct in office or inability to discharge the duties of office, a member of the commission may be removed by the Governor with the concurrence of two-thirds of the members of the Senate after having been served written notice and provided with an opportunity for a response. A finding of substantial neglect of duty or gross misconduct in office may result in referral to the California Attorney General for criminal prosecution or the appropriate administrative agency for investigation.

(b) Any vacancy, whether created by removal, resignation or absence, in the 14 commission positions shall be filled within the 30 days after the vacancy occurs, from the subpool of applicants of the same voter registration category as the vacating nominee that was remaining as of November 20 in the year in which that pool was established. If none of those remaining applicants are available for service, the State Auditor shall fill the vacancy from a new pool created for the same voter registration category in accordance with Section 8252.

8253 Citizens Redistricting Commission Miscellaneous Provisions.

(a) The activities of the Citizens Redistricting Commission are subject to all of the following:

(1) The commission shall comply with the Bagley-Keene Open Meeting Act (Article 9 commencing with Section 11120 of Chapter 1 of Part 1, Division 3 of Title 2), or its successor. The commission shall provide not less than 14 days public notice for each meeting, except that meetings held in September in the year ending in the number one may be held with three days' notice.

(2) The records of the commission pertaining to redistricting and all data considered by the commission are public records that will be posted in a manner that ensures immediate and widespread public access.

(3) Commission members and staff may not communicate with or receive communications about redistricting matters from anyone outside of a public hearing. This

paragraph does not prohibit communication between commission members, staff, legal counsel and consultants retained by the commission that is otherwise permitted by the Bagley-Keene Open Meeting Act or its successor outside of a public hearing.

(4) The commission shall select by the voting process prescribed in paragraph (5) of subdivision (c) of Section 2 of Article XXI of the California Constitution one of their members to serve as the chair and one to serve as vice chair. The chair and vice chair shall not be of the same party.

(5) The commission shall hire commission staff, legal counsel, and consultants as needed. The commission shall establish clear criteria for the hiring and removal of these individuals, communication protocols, and a code of conduct. The commission shall apply the conflicts of interest listed in paragraph (2) of subdivision (a) of Section 8252 to the hiring of staff to the extent applicable. The Secretary of State shall provide support functions to the commission until its staff and office are fully functional. Any individual employed by the commission shall be exempt from the civil service requirements of Article VII of the California Constitution. The commission shall require that at least one of the legal counsel hired by the commission has substantial expertise in redistricting issues, including the federal Voting Rights Act of 1965 (42 U.S.C. Sec. 1971 and following). The commission shall make hiring, removal, or contracting decisions on staff, legal counsel, and consultants by ten or more affirmative votes including at least three votes of members registered from each of the two largest parties and three votes from members who are not registered with either of the two largest political parties in California.

(6) Notwithstanding any other provision of law, no employer shall discharge, threaten to discharge, intimidate, coerce or retaliate against any employee by reason of such employee's attendance or scheduled attendance at any meeting of the commission.

(7) The commission shall establish and implement an open hearing process for public input and deliberation that shall be subject to public notice and promoted through a thorough outreach program to solicit broad public participation in the redistricting public review process. The hearing process shall include hearings to receive public input before the commission draws any maps and hearings following the drawing and display of any commission maps. In addition, hearings shall be supplemented with other activities as appropriate to further increase opportunities for the public to observe and participate in the review process. The commission shall display the maps for public comment in a manner designed to achieve the widest public access reasonably possible. Public comment shall be taken for at least 14 days from the date of public display of any map prepared by the commission.

(b) The Legislature shall take all steps necessary to ensure that a complete and accurate computerized database is available for redistricting, and that procedures are in place to provide the public ready access to redistricting data and computer software for drawing maps. Upon the commission's formation and until its dissolution, the Legislature shall coordinate these efforts with the commission.

8253.5. Citizens Redistricting Commission and Applicant Review Panel Compensation.

Members of the commission and the panel appointed in 2010 shall be compensated at the rate of three hundred dollars (\$300) for each day the member is engaged in commission or panel business. For each succeeding commission and panel, the rate of compensation shall be adjusted in each year ending in nine by the cumulative change in the California Consumer Price Index, or its successor. Members of the commission and panel are eligible for reimbursement of personal

expenses incurred in connection with the duties performed pursuant to this chapter. A member's residence is deemed to be the member's post of duty for purposes of reimbursement of expenses.

8253.6 Citizens Redistricting Commission Budget, Fiscal Oversight.

(a) In 2009, and in each year ending in nine thereafter, the Governor shall include in the Governor's Budget submitted to the Legislature pursuant to Section 12 of Article IV of the California Constitution amounts of funding for the State Auditor, Citizens Redistricting Commission, Applicant Review Panel, and the Secretary of State that are sufficient to meet the estimated expenses of each of those officers or entities in implementing the redistricting process required by this chapter for a three year period, including, but not limited to, adequate funding for equipment, office space, necessary personnel, and a statewide outreach program to solicit broad public participation in the redistricting process. The Legislature shall make the necessary appropriation in the budget act, and the appropriation shall be available during the entire three year period. The appropriation made shall be equal to the greater of three million dollars (\$3,000,000), or the amount expended pursuant to this subdivision for the immediately preceding redistricting process, adjusted in each case by the cumulative change in the California Consumer Price Index, or its successor, since the date of the immediately preceding appropriation made pursuant to this subdivision. The Legislature may make additional appropriations in any year in which it determines that the commission requires additional funding in order to fulfill its duties.

(b) The commission, with fiscal oversight from the Department of Finance or its successor, shall have procurement and contracting authority and may hire staff and consultants, exempt from the civil service requirements of Article VII of the California Constitution, for the purposes of this Act, including legal representation.

Section 5. Conflicting Ballot Propositions.

(a) In the event that this measure and another measure(s) relating to the redistricting of Senate, Assembly, congressional, or Board of Equalization districts are approved by a majority of voters at the same election, and this measure receives a greater number of affirmative votes than any other such measure(s), this measure shall control in its entirety and the other measure(s) shall be rendered void and without any legal effect. If this measure is approved by a majority of the voters but does not receive a greater number of affirmative votes than the other measure(s), this measure shall take effect to the extent permitted by law.

(b) If any provisions of this measure are superseded by the provisions of any other conflicting measure approved by the voters and receiving a greater number of affirmative votes at the same election, and the conflicting measure is subsequently held to be invalid, the provisions of this measure shall be self-executing and given full force of law.

Section 6. Severability.

The provisions of this Act are severable. If any provision of this Act or its application is held to be invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.