

COUNCIL DOCKET OF Oct 27, 2008

Supplemental    Adoption    Consent    Unanimous Consent   Rules Committee Consultant Review

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Statewide Ballot Initiatives for the November 4, 2008, General Election – Proposition 11, Redistricting

Reviewed    Initiated   By Rules   On 10/08/08   Item No. 2j

RECOMMENDATION TO:

Support Statewide Ballot Proposition 11, Voters FIRST Act, and to send to Council a resolution in favor for the consent agenda.

VOTED YEA: Madaffer, Frye, Peters

VOTED NAY: Young, Hueso

NOT PRESENT:

CITY CLERK: Please reference the following reports on the City Council Docket:

REPORT TO THE CITY COUNCIL NO.

INDEPENDENT BUDGET ANALYST NO.

COUNCIL COMMITTEE CONSULTANT ANALYSIS NO.

OTHER:

Intergovernmental Relations Department's October 3, 2008, memorandum; Intergovernmental Relations Department's October 8, 2008, PowerPoint

COUNCIL COMMITTEE CONSULTANT Elyse Love

000191



**OFFICE OF MAYOR JERRY SANDERS**

**MEMORANDUM**

**DATE:** October 3, 2008

**TO:** Mayor Jerry Sanders, City Council

**FROM:** Job Nelson, Director Intergovernmental Relations *JN*

**RE:** November 2008 State Ballot Measures

In determining whether or not the City should support or oppose a given ballot measure, the Intergovernmental Relations Department generally applied the criteria that were used as a guide in establishing the City's 2008 legislative priorities:

1. Does the proposal provide significant revenues or funding opportunities to the City?
2. Does the proposal provide significant cost savings if enacted?
3. Does the proposal enhance public safety?
4. Does the proposal provide the City with greater ability or flexibility to provide municipal services to its citizens?
5. Does the proposal limit or enhance local control?

These criteria do not prohibit individual Councilmembers or the Mayor from taking an individual position of support or opposition to any ballot measure.

**Proposition 1A: Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century**

Prop. 1A asks voters to approve the issuance of **\$9.95 billion** of general obligation bonds. The funding would be used supplement private monies in order to build the approximately \$40 billion high speed rail system that would stretch from Sacramento down through San Francisco and Los Angeles and end in San Diego. The California High-Speed Rail anticipated the system to be completed around 2030. A portion of the funds, \$950 million, would also be available for capital projects on other passenger rail lines to provide connectivity to the high-speed train system and for capacity enhancements and safety improvements to those lines. The City was active in lobbying for AB 3034 which amended

Prop 1 to give all high-speed rail corridors, including the route through the San Diego region, an equal opportunity to compete for a share of the \$9 billion.

**IRD Recommendation: *Support***

It is IRD's recommendation that the City of San Diego support this proposition. The City is already home to the second busiest Amtrak Line in the nation—the Los/San Corridor—which might benefit from the \$950 million in non high-speed rail funds. Additionally, a high-speed rail line that terminated at Lindbergh Field would provide long term benefits to air capacity for San Diego International Airport by reducing the need for commuter flights back and forth to Los Angeles and other cities along the high-speed rail system.

The City is responsible through SANDAG for regional rail issues and aviation issues, therefore this meets the IRD criteria for support or opposition.

**Proposition 2: Standards for Confining Farm Animals**

The City has already taken a position on this proposition.

**Proposition 3: Children's Hospital Bond Act**

This measure authorizes just under \$1 billion in bonds, to be repaid from state's General Fund, to fund the construction, expansion, remodeling, renovation, furnishing and equipping of children's hospitals. This initiative was sponsored by children's hospitals across the state. Rady Children's Hospital would benefit if this bond is passed.

**IRD Recommendation: *No Position***

This measure does not meet the criteria for a formal city position.

**Proposition 4: Abortion Waiting Period and Parental Notification Initiative**

The initiative would require parental notification of an unemancipated minors abortion or, if parental abuse has been reported, an alternative adult family member.

**IRD Recommendation: *No Position***

This measure does not meet the criteria for a formal city position.

**Proposition 5: Nonviolent Offender Rehabilitation Act (NORA)**

According to the Secretary of State's Office Proposition 5 includes provisions that:

- Requires California to expand and increase funding and oversight for individualized treatment and rehabilitation programs for nonviolent drug offenders and parolees.

- Reduces criminal consequences of nonviolent drug offenses by mandating three-tiered probation with treatment and by providing for case dismissal and/or sealing of records after probation.
- Limits court's authority to incarcerate offenders who violate probation or parole.
- Shortens parole for most drug offenses, including sales, and for nonviolent property crimes.
- Creates numerous divisions, boards, commissions, and reporting requirements regarding drug treatment and rehabilitation.
- Changes certain marijuana misdemeanors to infractions.

**IRD Recommendation: *Oppose***

This measure has the potential to negatively impact public safety and therefore meets the formal position criteria. By reducing sentencing requirements for key crimes it increases the likelihood that drug dealers will also be given the same lenient treatment as casual users. It is opposed by the California District Attorneys Association and the California State Sheriffs Association, as well as numerous other law enforcement and community groups.

**Proposition 6: Safe Neighborhoods Act**

According to the Legislative Analyst's Office the provisions of Proposition 6 include:

- Enhances various criminal justice programs and increases spending for prison and parole operations. This funding would come from California's General Fund, reallocating funds currently spent on K-12 Education, Higher Education, Health and Human Services, Business, Transportation and Housing, and Environmental Protection
- Enhances penalties for gang crimes by prosecuting youth 14 years or older who are accused of a "gang-related" felony as unfit for trial in a juvenile court as adults.
- Requires that all public housing occupants submit to annual criminal background checks. If any occupant did not pass this criminal background check, the entire family would be removed from their housing.
- Increase penalties for several crimes, including violating gang injunctions, methamphetamine crimes, or carrying loaded or concealed firearms by certain felons.
- Eliminates bail for undocumented individuals charged with violent or gang-related felonies.
- Establish as a crime the act of removing or disabling a monitoring device affixed as part of a criminal sentence.
- Change evidence rules to allow use of certain hearsay statements as evidence when witnesses are unavailable.

**IRD Recommendation: *Support***

This measure has the potential to enhance public safety and therefore meets the formal position criteria. This bill provides sentencing enhancements for gang related crimes. It is supported by the California District Attorneys Association and the California State

Sheriffs Association, as well as numerous other law enforcement groups. That said, we are hesitant in our support due to the potential significant statewide budget impacts that this bill would generate. Additionally, we are hesitant to support any measure that contributes to ballot box budgeting for the state. This initiative is opposed by the California Teachers Association and other public employee labor unions.

**Proposition 7: Renewable Energy Statute**

According to the Secretary of State the provisions of Propositions 7 include:

- All electric utilities will be required to provide half of their electricity from solar and clean energy facilities by 2025.
- This initiative moves considerable authority away from the Public Utilities Commission (PUC) and moves it to the California Energy Commission (CEC). Including requiring the CEC to identify solar and clean energy zones to jump-start clean power plants.
- Renewable plant construction permits would be fast-tracked for approval by the California Energy Commission once all environmental reviews are in place. This fast-tracking would limit local control by curtailing the period for local comments and participation to 100 days.
- Penalties levied on utilities would be reduced from 5% to 1% for specific acts of non-compliance, but the total cap on fines that can be imposed on a utility would be eliminated.
- Funds from these penalties will be spent by the CEC on the construction of new transmission lines or the improvement of existing transmission lines to provide access for renewable energy to the grid.
- Utilities will be prohibited from passing along penalties to their electric rate-payers.
- Caps price impacts on consumer's electricity bills at less than 3 percent. However, the non-partisan California Legislative Analyst's Office states that "the measure includes no specific provisions to implement or enforce this declaration".
- Renewable energy sources include solar thermal, photovoltaic, wind, geothermal, small hydro, biomass, and tidal, etc., as provided for in current law Public Resources Code section 25741.

**IRD Recommendation: *Oppose***

This measure will negatively impact local control and therefore meets the formal position criteria. It also has the potential to increase rates at least in the short term. It is opposed by the California League of Cities as well as numerous environmental advocacy organizations and community groups.

**Proposition 8: Eliminates Right of Same-Sex Couples to Marry Act**

Is a California constitutional amendment that will add the following text: "Only marriage between a man and a woman is valid or recognized in California."

**IRD Recommendation: *Oppose***

While this measure does not meet the criteria outlined above, IRD recommends an oppose position that is consistent with the action taken by the City Council in the amicus brief on the Supreme Court Decision to strike down Proposition 22.

**Proposition 9: Victims' Rights and Protection Act of 2008**

According to the LAO, the provisions of Proposition 9 include:

- Provisions requiring the payment of restitution to victims.
- Any funds collected by a court, or law enforcement agencies, from a person ordered to pay restitution would go to pay that restitution first, in effect prioritizing those payments over other fines and obligations an offender may legally owe.
- Provisions regarding the notification and participation of victims in criminal justice proceedings.
- Provisions that expand victims' legal rights.
- Provisions that affect how parole is granted and revoked.

**IRD Recommendation: *No Position***

This measure does not meet the criteria for a formal city position. Many of the provisions in Proposition 9 were already enacted in Proposition 8 (1982). This measure does have the potential to increase the amount of money the state already spends on incarceration.

**Proposition 10: California Alternative Fuels Initiative**

According to the Secretary of State's Office this bond measure would authorize \$5 billion in general obligation bonds to support alternative fuels, with the emphasis being natural gas technologies. The breakdown of the spending is as follows:

- 58% in cash payments of between \$2,000 and \$50,000 to purchasers of certain high fuel economy and alternative fuel vehicles;
- 20% in incentives for research, development and production of renewable energy technology;
- 11% in incentives for research and development of alternative fuel vehicle technology;
- 5% in incentives for purchase of renewable energy technology;
- 4% in grants to eight cities for education about these technologies; and
- 3% in grants to colleges to train students in these technologies.

**IRD Recommendation: *No Position***

This measure does not meet the criteria for a formal city position. This bill is being opposed by California State Association of Counties, as well as environmental advocacy groups, consumer watchdog groups, business, labor and taxpayer organizations.

**Proposition 11: Voters FIRST Act**

According to the Secretary of State this redistricting constitutional amendment:

- Changes authority for redistricting the Assembly, Senate, and Board of Equalization district boundaries from elected representatives to a 14 member commission.
- Requires government auditors to select 60 registered voters from applicant pool. Permits legislative leaders to reduce pool, then the auditors pick eight commission members by lottery, and those commissioners pick six additional members for 14 total.
- Requires that the commission consist of five Democrats, five Republicans and four of neither party. Commission shall hire lawyers and consultants as needed.
- For approval, district boundaries need votes from three Democratic commissioners, three Republican commissioners and three commissioners from neither party

**IRD Recommendation: *No Position***

This measure does not meet the criteria for a formal city position.

**Proposition 12: Veterans' Bond Act of 2008**

The ballot summary states that "This act provides for a bond issue of nine hundred million dollars (\$900,000,000) to provide farm and home aid for California veterans." Costs of the program are paid by veterans who participate in the program by purchasing properties or homes. California began the veterans' home loan programs in the 1922. California voters have subsequently been asked 26 times to fund the program and have said "yes" all 26 times, for a total of \$8.4 billion in the past. The 2008 effort is the 27th time voters will have been asked to support the program. Prop. 12's request for \$900 million is the largest request for a Cal-Vet bond.

**IRD Recommendation: *No Position***

This measure does not meet the criteria for a formal city position.

- Cc: Jay Goldstone, COO  
 Mary Lewis, CFO  
 Kris Michell, Deputy COO- Community and Legislative Affairs  
 Julie Dubick, Director of Policy  
 Andrea Tevlin, IBA

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City of San Diego

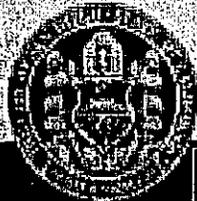


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# Report to the Rules Committee

Statewide Ballot Propositions  
October 8, 2008

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## Overview

City can take a position on a ballot proposition but it cannot use taxpayer dollars to advocate on behalf of a measure.

These criteria do not prohibit individual Councilmembers or the Mayor from taking an individual position of support or opposition to any ballot measure.

In our IRD Report we included criteria and recommendations should the Council over the next month decide that they wish to take a formal position on any of these measures.

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City of San Diego

# Proposition 1A: Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century

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- Prop. 1A asks voters to approve the issuance of \$9.95 billion of general obligation bonds.
- The funding would be used to supplement private monies in order to build the approximately \$40 billion high speed rail system that would stretch from Sacramento down through San Francisco and Los Angeles and end in San Diego.
- The High Speed Train Bond Act has been delayed 4 times.
- A portion of the funds, \$950 million, would also be available for capital projects on other passenger rail lines to provide connectivity to the high-speed train system and for capacity enhancements and safety improvements to those lines.
- The City was active in lobbying for AB 3034 which amended Prop. 1 to give all high-speed rail corridors, including the route through the San Diego region, an equal opportunity to compete for a share of the \$9 billion.



## Prop 1A Supporting Arguments

- The high speed train network proposed in the initiative will reduce highway traffic congestion without raising taxes.
- It will save commuters time and money.
- It will remove 12 billion pounds of CO<sub>2</sub> emissions.
- The ridership and revenue forecasts in the project's plan were subjected to "tough peer review".
- Federal funds and private grants that amount to as much as 9 billion dollars will match the debt incurred if this proposal passes.

Supporters include: California Labor Federation, Sierra Club, League of Conservation Voters, CALPIRG, California Hispanic Chamber of Commerce



## Prop 1A: Opposing Arguments

- There is no guarantee the project will ever be completed.
- Building the rail system on the proposed route will have an adverse impact on 140-180 parks, wildlife refuges and protected open spaces.
- It is a political boondoggle and a waste of money.
- Existing transit systems should be expanded instead of starting from scratch.

Opponents include: Howard Jarvis Taxpayers Association, California Chamber of Commerce, California Rail Foundation

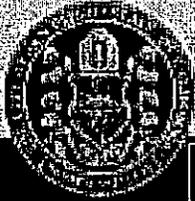


City of San Diego

# Proposition 2: Standards for Confining Farm Animals

000202

The City has already taken a position on this proposition



City of San Diego

# Proposition 3: Children's Hospital Bond Act

- This measure authorizes just under \$1 billion in bonds, to be repaid from state's General Fund, to fund the construction, expansion, remodeling, renovation, furnishing and equipping of children's hospitals.
- This initiative was sponsored by children's hospitals across the state.
- Rady Children's Hospital would benefit if this bond is passed.

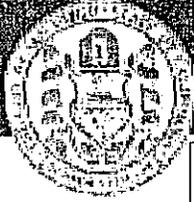
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## Prop 3 Supporting Arguments

- The initiative will help provide the hospitals with enough money for greater bed capacity.
- The initiative will also allow hospitals to purchase important equipment as well as the most modern technologies.

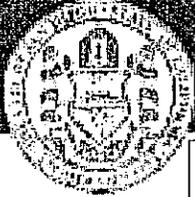
Supporters include: American Academy of Pediatrics-California, California Medical Association, California Chamber of Commerce, League of Women Voters of California, California Federation of Teachers, California Parent Teacher Association (PTA), Actress Jamie Lee Curtis



## Prop 3: Opposing Arguments

- Proposition 3 is misuse of the public ballot system by special interests
- The measure also allows money to go to hospitals that are not children's hospitals.
- These very same special interest groups initiated the passage of Prop 61-half of that money still remains unspent.

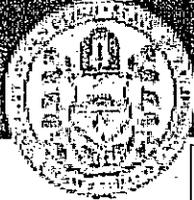
Opponents include: National Tax Limitation Committee



## Proposition 4: Abortion Waiting Period and Parental Notification Initiative

The initiative would require parental notification of an unemancipated minor's abortion or, if parental abuse has been reported, an alternative adult family member. The initiative also:

- Provides notification exceptions for medical emergency or parental waiver.
- Permits courts to waive notice based evidence of minor's best interests.
- Mandates reporting requirements, including reports from physicians regarding abortions on minors.
- Authorizes damages against physicians for violation.
- Requires minor's consent to abortion, with exceptions.



## Prop 4 Supporting Arguments

- 34 other U.S. States have notification laws in place that proponents argue have resulted in declined rates of teen abortion, STDs, and teen pregnancy.
- An abortion for a minor without the knowledge of a family member or guardian may result in additional health complications that parents may not be aware of to seek help.
- Abortion clinics may not report sexual crimes. This builds in reporting redundancy.
- Governor Schwarzenegger has gone on the record in support of the initiative.

Supporters include: Pacific Justice Institute, Family Research Council, Advocates for Faith and Freedom



## Prop 4: Opposing Arguments

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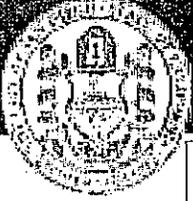
- Mandated parental notification laws don't work.
- Some teenagers fear going to their parents
- Prop 4 may force these teens to delay medical care, turn to self-induced abortions, or consider suicide

Opponents include: American Academy of Pediatrics, California District, American College of Obstetricians and Gynecologists, District IX, California Nurses Association, California Teachers Association, Planned Parenthood Affiliates of California



## Proposition 5: Nonviolent Offender Rehabilitation Act (NORA)

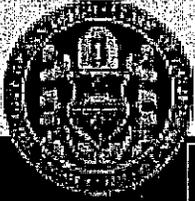
- Requires California increase funding and expand oversight for individualized treatment and rehabilitation programs for nonviolent drug offenders and parolees.
- Reduces criminal consequences of nonviolent drug offenses by mandating three-tiered probation with treatment and by providing for case dismissal and/or sealing of records after probation.
- Limits court's authority to incarcerate offenders who violate probation or parole.
- Shortens parole for most drug offenses, including sales, and for nonviolent property crimes.
- Creates numerous divisions, boards, commissions, and reporting requirements regarding drug treatment and rehabilitation.
- Changes certain marijuana misdemeanors to infractions.



## Prop 5 Supporting Arguments

- The initiative would reduce pressure on overcrowded and expensive prisons.
- It focuses on rehabilitation making it a real priority for the state prison system and restructures the Department of Corrections and Rehabilitation to further that goal.
- NORA commits about \$65 million per year to drug treatment and other support programs for at-risk youth, creating a system of care for young people under the age of 18 where no services exist now.

Supporters include: California Nurses Association, California Society of Addiction Medicine, California Academy of Family Physicians, League of Women Voters of California, California Federation of Teachers, California Labor Federation



## Prop 5: Opposing Arguments

000211

- The initiative shortens parole for methamphetamine dealers and other drug felons from 3 years to 6 months.
- This measure may allow drug users to escape prosecution for other crimes by claiming addiction – for this reason it is strongly opposed by MADD
- It establishes two new bureaucracies with limited accountability and at a cost of hundreds of millions of dollars.
- Addicted defendants will be permitted five violations of probation or treatment failures based on drug use, and judges will be unable to meaningfully intervene until the sixth violation.
- The Governor and Legislature cannot adjust Prop 5 funding, even in times of budget shortfall or state crisis.

Opponents include: Mothers Against Drunk Driving (MADD), Crime Victims United, California State Association of Counties (CSAC), California Chamber of Commerce, California District Attorneys Association, California Police Chiefs Association, National Drug-Free Workplace Alliance, National Association of Drug Court Professionals



## Proposition 6: Safe Neighborhoods Act

000212

- Enhances various criminal justice programs and increases spending for prison and parole operations. This funding would come from California's General Fund.
- Enhances penalties for gang crimes by prosecuting youth 14 years or older who are accused of a "gang-related" felony as unfit for trial in a juvenile court.
- Requires that all public housing occupants submit to annual criminal background checks. If any occupant did not pass this criminal background check, the entire family would be removed from their housing.
- Increase penalties for several crimes, including violating gang injunctions, methamphetamine crimes, or carrying loaded or concealed firearms by certain felons.
- Eliminates bail for undocumented individuals charged with violent or gang-related felonies.
- Change evidence rules to allow use of certain hearsay statements as evidence when witnesses are unavailable.

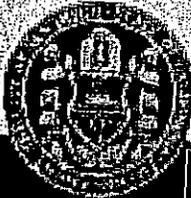


# Prop 6 Supporting Arguments

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- Creates tougher punishment for gang crimes, drive-by shooting, meth distribution and victim intimidation.
- Enhances and increases funding for gang prevention programs.
- It funds victim-witness protection programs.
- Prohibits bail for illegal aliens who are charged with violent or gang crimes.
- Ensures funding for local police, sheriff, district attorneys and probation officers.

Supporters include: California Police Chiefs' Association, California District Attorneys Association, Chief Probation Officers' of California, California Peace Officers Association, Crime Victims United, National Tax Limitation Committee

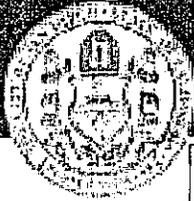


## Prop 6: Opposing Arguments

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- It could divert billions from California's schools, hospitals and childcare centers, deepening the state's ongoing budget crisis.
- Opponents argue that it targets poor people, forcing recipients of public housing subsidies to submit to annual criminal background checks with the intention of withdrawing the housing subsidies of people with recent criminal convictions.
- It also targets undocumented immigrants by denying bail to those charged with violent or gang-related crimes and requiring local sheriffs to inform Immigration and Customs Enforcement (ICE) of the arrest and charges of people who are undocumented.
- It guarantees billions of taxpayer dollars to unproven programs with no accountability.

Opponents include: California Teachers Association, California Federation of Teachers, California State Firefighters Association, California Labor Federation, AFL-CIO, California State Conference of the NAACP



## Proposition 7: Renewable Energy Statute

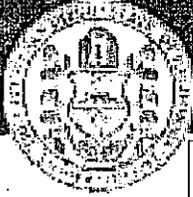
- All electric utilities will be required to provide half of their electricity from solar and clean energy facilities by 2025.
- This initiative moves considerable authority away from the Public Utilities Commission (PUC) and moves it to the California Energy Commission (CEC), including requiring the CEC to identify solar and clean energy zones to jump-start clean power plants.
- Renewable plant construction permits would be fast-tracked for approval by the California Energy Commission once all environmental reviews are in place. This fast-tracking would limit local control by curtailing the period for local comments and participation to 100 days.
- Penalties levied on utilities would be reduced from 5% to 1% for specific acts of non-compliance, but the total cap on fines that can be imposed on a utility would be eliminated.



## Proposition 7: Renewable Energy Statute

000216

- Funds from these penalties will be spent by the CEC on the construction of new transmission lines or the improvement of existing transmission lines to provide access for renewable energy to the grid.
- Utilities will be prohibited from passing along penalties to their electric rate-payers.
- Caps price impacts on consumer's electricity bills at less than 3 percent. However, the Legislative Analyst's Office states that "the measure includes no specific provisions to implement or enforce this declaration."
- Renewable energy sources include solar thermal, photovoltaic, wind, geothermal, small hydro, biomass, and tidal, etc., as provided for in current law.

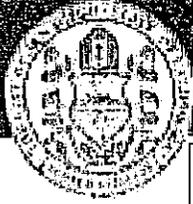


## Prop 7 Supporting Arguments

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- Proponents offer a letter from three Nobel prize winning scientists that states the initiative provides powerful and necessary tools to reach the goals of 50% renewable energy by 2025.
- It would make California the world leader in clean power technology.
- It would help create over 370,000 new high wage jobs.
- The initiative meets environmental protection standards as outlined in the Warren-Alquist Act and Desert Protection Act.
- Provides for local government review.
- It will have no negative impact on small-scale renewables and will very likely benefit small-scale renewables.

Supporters include: No organizational endorsements but endorsed by John Burton, Danny Glover



## Prop 7: Opposing Arguments

- Will force small wind and solar companies out of the market. The initiative excludes small renewable plants smaller than 30mw from counting towards new requirements.
- Contains a provision that virtually guarantees that electricity consumers will pay 10% above market rates for renewable power forever even when the costs of solar and wind sources become more competitive.
- Will cause the average California household to see its utility bill increase by more than \$300 each year.
- An analysis by the California Public Utilities Commission legal counsel warns that Prop. 7 could interfere and delay renewable energy programs.

Opponents include: California League of Conservation Voters, Environmental Defense Fund, Natural Resources Defense Council, Sierra Club California, California Solar Energy Industries Association, California Wind Energy Association, California Taxpayers' Association, League of Women Voters of California, California Chamber of Commerce, California Labor Federation, League of California Cities



City of San Diego

# Proposition 8: Eliminates Right of Same-Sex Couples to Marry Act

000219

Is a California constitutional amendment that will add the following text:  
"Only marriage between a man and a woman is valid or recognized in  
California."

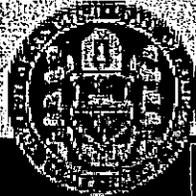
The constitutional amendment would overturn the courts decision this  
spring which allowed same sex couples to marry in California.



## Prop 8 Supporting Arguments

- Proposition 8 doesn't take away any rights or benefits of gay or lesbian domestic partnerships.
- Prop 8 "restores the definition of marriage to what the vast majority of California voters already approved and human history has understood marriage to be."
- It overturns the decision of four activist Supreme Court judges who the will of the people.
- It protects children from being taught in public schools that "same-sex marriage" is the same as traditional marriage.

Supporters include: American Family Association, California Family Alliance, Concerned Women for America, Family Research Council



## Prop 8: Opposing Arguments

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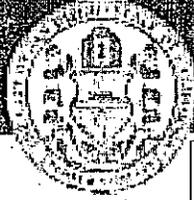
- The California Constitution should guarantee the same freedoms and right to everyone. "Equal protection under the law is the foundation of American society."
- The institution of marriage conveys dignity and respect to the lifetime commitment that a couple makes.
- The freedom to marry is fundamental to our society, just like the freedoms of religion and speech.

Opponents include: California NAACP, California NOW, The Center Advocacy Project, Gay & Lesbian Alliance Against Defamation (GLAAD), California Federation of Teachers, California Labor Federation



## Proposition 9: Victims' Rights and Protection Act of 2008

- This initiative requires the payment of restitution to victims.
- Any funds collected by a court or law enforcement agencies from a person ordered to pay restitution would go to pay that restitution first, in effect prioritizing those payments over other fines and obligations an offender may legally owe.
- This initiative enhances the notification and participation of victims in criminal justice proceedings.
- The initiative contains provisions that expand victims' legal rights.
- It impacts how parole is granted and revoked.

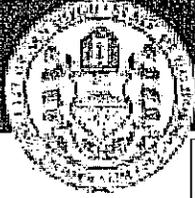


## Prop 9 Supporting Arguments

000223

- Proposition 9 would save money because under the current system, taxpayers are spending money to fund hearings for criminals who have little chance of release.
- Enhances victim rights.
- Parole judges could increase the number of years between parole hearings typically to 15 years, saving money.

Supporters include: A list of endorsers could not be found



## Prop 9: Opposing Arguments

000224

- Voters already approved many components of Prop. 9 when they passed Proposition 8 (1982), including the requirements that victims be notified of critical points in an offender's legal process as well as the rights for victims to be heard throughout the legal process.
- The provision in Prop. 9 to stop early release of criminals could end up costing the taxpayer in the "hundreds of millions" of dollars.
- It would make prison overcrowding in California even worse.
- Opponents say that Prop. 9 would affect early parole of only 1% of the most violent criminal population.

Opponents include: California Teachers Association, California Federation of Teachers



## Proposition 10: California Alternative Fuels Initiative

This bond measure would authorize \$5 billion in general obligation bonds to support alternative fuels, with the emphasis being natural gas technologies. The breakdown of the spending is as follows:

- 58% in cash payments of between \$2,000 and \$50,000 to purchasers of certain high fuel economy and alternative fuel vehicles;
- 20% in incentives for research, development and production of renewable energy technology;
- 11% in incentives for research and development of alternative fuel vehicle technology;
- 5% in incentives for purchase of renewable energy technology;
- 4% in grants to eight cities for education about these technologies; and
- 3% in grants to colleges to train students in these technologies.



## Prop 10 Supporting Arguments

000226

- This initiative provides funding for the generation of electricity from renewable sources, and provide consumer rebates for the purchase or lease of "clean alternative fuel vehicles"
- The funding allocates money into research for alternative fuels.
- The diesel trucks that could be replaced produce dangerous pollution.
- Alternatives to high-priced gasoline are important.

Supporters include: City of Oakland, Ed Begley, Jr., Actor  
Ron Dellums, Mayor, City of Oakland, Bob Foster, Mayor, City of  
Long Beach, Miguel Pulido, Mayor, City of Santa Ana, Plug in  
America, Consumers First, California Natural Gas Vehicle Partnership



## Prop 10: Opposing Arguments

000227

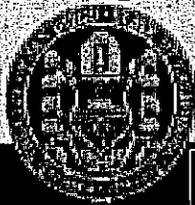
- The proposition is a laundry list of cash grabs -- from \$200 million for a liquefied natural gas terminal to \$2.5 billion for rebates of up to \$50,000 for each natural gas vehicles.
- This initiative ties up \$10 billion out of the state's general fund over a 30 year period to underwrite the cost for individuals and businesses to purchase low-emission vehicles just increasing the states debt
- Focus is on natural gas and not a lot of other better fuel sources
- Only one car currently manufactured (the Toyota Prius) meets the rebate standards in Prop. 10.

Opponents include: California League of Conservation Voters, the Sierra Club, Consumer Federation of California, Utility Consumers' Action Network (UCAN), California Chamber of Commerce, California Taxpayers Association, the Howard Jarvis Taxpayers Association, California Labor Federation, California Federation of Teachers



## Proposition 11: Voters FIRST Act

- This initiative changes authority for redistricting the Assembly, Senate, and Board of Equalization district boundaries from elected representatives to a 14 member commission.
- It requires government auditors to select 60 registered voters from applicant pool. Permits legislative leaders to reduce pool, then the auditors pick eight commission members by lottery, and those commissioners pick six additional members for 14 total.
- It requires that the commission consist of five Democrats, five Republicans and four of neither party. Commission shall hire lawyers and consultants as needed.
- For approval, district boundaries need votes from three Democratic commissioners, three Republican commissioners and three commissioners from neither party.



## Prop 11 Supporting Arguments

- Ends the conflict of interest of politicians drawing their own election districts
- Creates fair districts drawn by a citizens commission following clear rules and open to the public
- It holds politicians accountable for solving problems like gas prices, healthcare, and education.

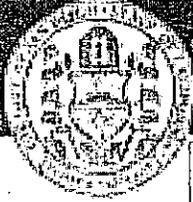
Supporters include: Governor Arnold Schwarzenegger, Steve Westly, Former State Controller, AARP, League of Women Voters of California, Los Angeles Area Chamber of Commerce, California Chamber of Commerce, California Common Cause



## Prop 11: Opposing Arguments

- Politicians paid millions to put Prop. 11 on the ballot to change the Constitution and create a costly new bureaucracy.
- Gives the power of drawing districts to people who are never elected and never accountable to voters

Opponents include: California Democratic Party, California Federation of Teachers, United Teachers of Los Angeles, California State Firefighters Association, California League of Conservation Voters, Mexican American Legal Defense and Educational Fund, NAACP Legal Defense Fund



## Proposition 12: Veteran's Bond Act of 2008

- This act provides for a bond issue of \$900,000,000 to provide farm and home aid for California veterans.
- Costs of the program are paid by veterans who participate in the program by purchasing properties or homes.
- California began the veterans' home loan programs in the 1920s. California voters have subsequently been asked 26 times to fund the program and have said "yes" all 26 times, for a total of \$8.4 billion in the past.
- The 2008 effort is the 27th time voters will have been asked to support the program.
- Prop. 12's request for \$900 million is the largest request for a Cal-Vet bond.

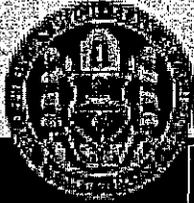


## Prop 12 Supporting Arguments

000232

- The Cal-Vet Home Loan Program enables veterans to obtain low-interest rate loans for the purchase of conventional homes, manufactured homes, and mobile homes without costing the taxpayers one cent.
- More than 420,000 California veterans, including those who served during World War I, World War II, Korea, Vietnam, and more recently, in Iraq and Afghanistan, have become homeowners under the Cal-Vet Home Loan Program.
- All costs of the program, including all administration costs, are paid for by veterans holding loans. There have never been any costs to the taxpayers of California, so this is a fiscally sound way to assist veteran men and women as they return to civilian life.

Supporters include: Senator Mark Wyland, Assemblyman Greg Aghazarian, Assemblyman Tony Strickland



## Prop 12: Opposing Arguments

- This program has indirect costs to the taxpayers, since the interest paid to bondholders is tax-deductible, reducing tax revenue to the state.
- These loans should be limited to those most deserving of assistance—veterans who were wounded or served in combat zones. The program currently has no such limitations.
- In a time of declining home prices, state taxpayers could be liable for shortfalls if home purchasers cannot make payments or sell their property.

Opponent: Gary Wesley, Attorney



City of San Diego



000234

# Questions

RECEIVED  
OCT 15 11 23 AM '80  
CITY OF SAN DIEGO  
CITY CLERK'S OFFICE

**REQUEST FOR COUNCIL ACTION**  
CITY OF SAN DIEGO

1. CERTIFICATE NUMBER  
(FOR AUDITOR'S USE ONLY)

TO: City Attorney  
2. FROM (ORIGINATING DEPARTMENT): Council President Pro Tem Madaffer  
3. DATE: October 9, 2008

4. SUBJECT: Resolution in Favor of Statewide Ballot Proposition 11, the Voters FIRST Act

5. PRIMARY CONTACT (NAME, PHONE & MAIL STA.): Aimee Faucett, x66677 MS 10A  
6. SECONDARY CONTACT (NAME, PHONE & MAIL STA.): Elyse Lowe, x35897, MS 10A  
7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED

**8. COMPLETE FOR ACCOUNTING PURPOSES**

FUND					9. ADDITIONAL INFORMATION / ESTIMATED COST: None
DEPT.					
ORGANIZATION					
OBJECT ACCOUNT					
JOB ORDER					
C.I.P. NUMBER					
AMOUNT					

**10. ROUTING AND APPROVALS**

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	
1	ORIGINATING DEPARTMENT	JIM MADAFFER	10/10/08	8	DEPUTY CHIEF			
2				9	COO			
3				10	CITY ATTORNEY			
4	LIAISON OFFICE			11	ORIGINATING DEPARTMENT	JIM MADAFFER	10/15/08	
5					DOCKET COORD:		COUNCIL LIAISON:	
6					<input checked="" type="checkbox"/> COUNCIL PRESIDENT	<input type="checkbox"/> SPOB	<input type="checkbox"/> CONSENT	<input checked="" type="checkbox"/> ADOPTION
7					<input type="checkbox"/> REFER TO:		COUNCIL DATE: 10/27/08	

11. PREPARATION OF:  RESOLUTION(S)  ORDINANCE(S)  AGREEMENT(S)  DEED(S)

A resolution in in favor of statewide ballot Proposition 11, the Voters FIRST Act

11A. STAFF RECOMMENDATIONS:  
The Rules Committee on October 8, 2008, voted 3-2 in favor of statewide ballot Proposition 11 and to send to the City Council a resolution in favor for consideration. (COUNCILMEMBERS PETERS, FRYE, MADAFFER, VOTED YEA; YOUNG AND HUESO VOTED NEA.)

12. SPECIAL CONDITIONS:

COUNCIL DISTRICT(S): N/A  
 COMMUNITY AREA(S): N/A  
 ENVIRONMENTAL IMPACT: N/A  
 HOUSING IMPACT: N/A  
 OTHER ISSUES:

RESOLUTION NUMBER R-\_\_\_\_\_

DATE OF FINAL PASSAGE \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO SUPPORTING STATEWIDE PROPOSITION  
11, "VOTERS FIRST ACT."

WHEREAS, Statewide Proposition 11 is officially titled "Redistricting. Initiative Constitutional Amendment and Statute" and is also known as the "Voters FIRST Act"; and

WHEREAS, every ten years the federal census counts the number of people living in California and the California Constitution requires the Legislature after each census to adjust the boundaries of the districts used to elect public officials to establish districts which are reasonably equal in population; and

WHEREAS, Proposition 11 amends the California Constitution to change the redistricting process for the State Legislature, Board of Equalization and California members of the U.S. House of Representatives, beginning with the 2010 census; and

WHEREAS, Proposition 11 maintains the California Legislature's role in drawing districts for the U.S. House of Representatives while imposing additional requirements that the Legislature must consider while drawing those districts; and

WHEREAS, Proposition 11 shifts the responsibility for developing redistricting plans for the State Legislature and Board of Equalization to a new Citizens Redistricting Commission [Commission] and describes a number of requirements for selection of commissioners and the drawing of district boundaries; and

WHEREAS, the Commission will consist of 14 members, composed of five Democrats, five Republicans and four of neither party; and

WHEREAS, the selection process requires (1) government auditors to select 60 registered voters from the applicant pool, (2) legislative leaders reduce the pool, (3) auditors pick eight commission members by lottery, and (4) those commissioners pick six additional members for 14 total; and

WHEREAS, district boundaries need votes from three Republican commissioners, three Democratic commissioners and three commissioners from neither party for approval; and

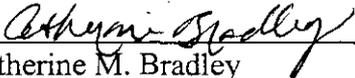
WHEREAS, the Legislative Analyst estimates a potential increase in state redistricting costs once every ten years due to two entities performing redistricting, although the increase in costs probably would not be significant; and

WHEREAS, proponents of Proposition 11 assert that this process will end the conflict of interest when legislators are allowed to draw their own district boundaries; be open to the public; and include Democrats, Republicans and independents to assure a balanced and inclusive process that produces fair districts; NOW, THEREFORE,

BE IT RESOLVED, that the San Diego City Council supports Statewide Proposition 11, the "Voters FIRST Act."

BE IT FURTHER RESOLVED, that no public funds shall be used in the campaign for or against the measure.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Catherine M. Bradley  
Chief Deputy City Attorney

CMB:als  
10/15/08  
Or.Dept:City Clerk  
R-2009-474

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of \_\_\_\_\_.

ELIZABETH S. MALAND  
City Clerk

By \_\_\_\_\_  
Deputy City Clerk

Approved: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

000241

PROPOSITION

REDISTRICTING.

11

INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE.

---

OFFICIAL TITLE AND SUMMARY

PREPARED BY THE ATTORNEY GENERAL

---

**REDISTRICTING. INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE.**

- Changes authority for establishing Assembly, Senate, and Board of Equalization district boundaries from elected representatives to 14 member commission.
- Requires government auditors to select 60 registered voters from applicant pool. Permits legislative leaders to reduce pool, then the auditors pick eight commission members by lottery, and those commissioners pick six additional members for 14 total.
- Requires commission of five Democrats, five Republicans and four of neither party. Commission shall hire lawyers and consultants as needed.
- For approval, district boundaries need votes from three Democratic commissioners, three Republican commissioners and three commissioners from neither party.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Potential increase in state redistricting costs once every ten years due to two entities performing redistricting. Any increase in costs probably would not be significant.
-

## **California Voters FIRST Act**

### **November 2008 Redistricting Initiative Summary**

#### **I. Overview: 14-Person Redistricting Commission (5 Democrats, 5 Republicans, 4 other)**

#### **II. How is the Commission Chosen?**

##### **Step 1: The Applicant Review Panel narrows the pool to 60 persons.**

- The State Auditor creates a public and transparent application process.
- The State Auditor establishes an Applicant Review Panel for the purpose of screening applicants, comprised of three randomly selected qualified independent state auditors (1 D/1R/1other)
- The Applicant Review Panel selects 60 of the most qualified applicants (20R/20D/20 other) on the basis of relevant analytical skills, ability to be impartial, and diversity.
- The Applicant Review Panel presents the pool of 60 nominees to the four leaders of the CA State Legislature.

##### **Step 2: The four Legislative Leaders have the option of striking applicant names from the pool of 60.**

- The Legislative Leaders may strike up to two applicants from each subpool of 20 (a total of 8 possible strikes per pool). The pools may be reduced to 12 D/12 R/12 other.

##### **Step 3: The 8 Commissioners are named through random drawing; 6 Commissioners are selected by the 8.**

- The State Auditor randomly draws 8 names from the remaining pool of applicants (3D/3R/2 other).
- The 8 Commissioners then review the names remaining in the pool and choose 6 Commissioners (2D/2R/2o). They will select to complement the balance of skills and diversity.

#### **Eligibility**

- a. California voter registered with the same affiliation for the past 5 years or more.
- b. Must have voted in two of the last three statewide general elections.

#### **Disqualifications and other restrictions**

- a. For the preceding 10 years, neither a commission member, nor a member of his or her immediate family, may have done any of the following:
  - Been appointed to, elected to, or have been a candidate for federal or state public office.
- b. For the preceding 4 years, neither a commission member, nor a member of his or her immediate family, may have done any of the following:
  - Served as an officer of a political party, or as an officer, paid staff, or paid consultant of a candidate's campaign committee.
  - Served as an elected or appointed member of a political party central committee.
  - Been a registered federal, state or local lobbyist.
  - Served as paid staff for the state legislature, Board of Equalization or Congress or any individual legislator, Board of Equalization member or member of Congress.
  - Given \$2,000 or more to a candidate for state legislature, Board of Equalization or Congress.
- c. Staff and consultants to, persons under a contract with, or 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 members of the commission.
- d. Commissioners are not permitted to hold public office in California, serve as paid staff for the Legislature or any individual legislator or to register as a federal, state or local lobbyist during their terms on the Commission or for 5 years thereafter.

**III. Mapping criteria (in ranked order)**

- a. Districts shall comply with the US Constitution, including equal population requirements.
- b. Districts shall comply with the Voting Rights Act.
- c. Districts shall be geographically contiguous.
- d. The geographic integrity of any city, county, or city and county, neighborhoods, or communities of interest shall be respected. Communities of interest shall not be defined as relations with incumbents, candidates, or parties.
- e. Districts shall be compact.
- f. To the extent possible, after the above criteria have been satisfied, districts shall be nested.
  - Incumbent residences may not be considered; districts may not be drawn to protect incumbents.

**IV. Public Input**

- a. The Commission shall establish and work through an open hearing process that subject to public notice and promoted through a thorough outreach program to solicit broad public participation.
- b. The Commission shall display draft maps for public comment to achieve wide public access.
- c. Public comment shall be taken for a minimum of 14 days from the date of public display.

**V. Transparency**

- a. *The Commission shall comply with the Bagley-Keene Open Meeting Act.*
- b. The Commission shall provide a minimum of 14 days public notice for meetings (3 days for emergency meetings).
- c. All records related to and data considered by the Commission will be made broadly available, in multiple formats.
- d. Restrictions on ex parte communications
- e. The Commission shall issue a report explaining the basis upon which it made mapping decisions and include definitions of the terms and standards used in drawing the maps.

**VI. Commission Support**

- a. The Citizens Redistricting Commission shall hire commission staff, legal counsel, and consultants as needed.
- b. Commission staff shall be subject to the same conflict-of-interest criteria as Commissioners, as appropriate.

**VII. Adoption of a Plan**

- a. 9 members shall represent a quorum.
- b. 9 votes shall be required for any official action.
- c. 9 votes (3 D, 3 R, and 3 other) are required to adopt a plan.
- d. The Commission shall complete redistricting by a date-certain - September 30, XX11.
- e. The final redistricting plan shall be subject to referendum.

**VIII. Scope**

- a. Senate, Assembly and Board of Equalization seats will be drawn by the Commission in the next redistricting, 2011.
- b. Congressional seats will be drawn by the state legislature, following the same mapping criteria and hearing requirements as the Commission.

**RECEIVED**

OCT 23 2007

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

October 22, 2007

Ms. Patricia Galvan  
Initiative Coordinator  
Attorney General's Office  
1300 I Street  
Sacramento, CA 95814

Re: Voters FIRST Act

Dear Ms. Galvan:

Pursuant to California Elections Code section 9002, we respectfully request that the Attorney General prepare a title and summary for the attached measure. The text of the measure, a check for \$200.00 and the address at which we are registered to vote are enclosed.

Also attached is the acknowledgment of the proponent required by section 9608 of the California Elections Code.

Please direct all correspondence and inquiries regarding this measure to our attorney:

Barry Fadem  
Fadem & Associates  
3527 Mt. Diablo Blvd., #192  
Lafayette, CA 94549

Sincerely,

Kathay Feng

Jeannine English

David Fleming

Enclosures

**Section 1. Title.**

This Act shall be known and may be cited as the "Voters FIRST 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. 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.~~

~~(d) 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 with the open hearing requirements of paragraphs (1), (2), (3), and (7) of subdivision (a), and subdivision (b) of Section 8253 of the California Government Code, or its successor provisions of statute.~~

SEC. 2. (a) A Citizens Redistricting Commission shall draw new district lines (also known as "redistrict") for 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 (hereinafter the "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 themselves 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) Nine members of the commission shall constitute a quorum. Nine or more affirmative votes shall be required for any official action. The three final maps must be approved by at least nine 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 pursuant to a mapping process using 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 allowable by law.

(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, city and county, neighborhood, or community of interest shall be respected to the extent possible without violating the requirements of any of the preceding subdivisions. Communities of interest shall not include relationships with political parties, incumbents or political candidates.

(5) To the extent practicable, and where this does not conflict with the criteria above, 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, and where this does not conflict with the criteria above, 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 at least the requisite votes 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 map in accordance with the redistricting criteria and requirements set forth in subdivision (d), (e), and (f). Upon its approval of the masters' map, the court shall certify the resulting map to the Secretary of State, which map shall constitute the certified final map for the subject type of district.

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) The California Supreme Court has original and exclusive jurisdiction in all proceedings in which a certified final map is challenged.

(2) 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.

(3) The California Supreme Court shall give priority to ruling on a petition for a writ of mandate or a writ of prohibition filed pursuant to paragraph (2). 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 and has been a practicing independent auditor for at least 10 years prior to appointment to the Applicant Review Panel.

(e) 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 initiate an application process, open to all registered California voters in a manner that promotes a diverse and qualified applicant pool.

(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. 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. The State Auditor shall randomly draw the names of three qualified independent auditors from a pool consisting of all auditors employed by the State and licensed by the California Board of Accountancy at the time of the drawing. The State Auditor shall draw until the names of three 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 paragraphs (2) of subdivision (a).

(c) Having removed individuals with conflicts of interest from the applicant pool, 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 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 largest political party in California based on registration, three from the remaining subpool of applicants registered with 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 parties and one vote from a commissioner who is not affiliated with either of the two largest political parties in California. The 6 appointees shall be chosen to ensure the commission reflects this State's diversity, including, but not limited to, racial, ethnic, geographic, and gender diversity. However, it is not intended that formulas or specific ratios be applied for this purpose. Applicants shall also be chosen based on relevant analytical skills and ability to be impartial.

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 pool 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 demonstrated extensive experience and expertise in implementation and enforcement of 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 nine 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.

(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 Compensation.

Members of the commission shall be compensated at the rate of three hundred dollars (\$300) for each day the member is engaged in commission business. For each succeeding commission, 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 panel and the commission are eligible for reimbursement of personal expenses incurred in connection with the duties performed pursuant to this act. 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 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 Act for a three year period including, but not limited to, adequate funding for a statewide outreach program to solicit broad public participation in the redistricting process. The Governor shall also make adequate office space available for the operation of the commission. 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 in the immediately preceding redistricting process, as each amount is adjusted 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.