PEOPLE'S ADVOCATE, INC.
Paul Gann, Founder
Your Voice in Government

SA2003RF0056, AMDT. #1-S

November 5, 2003

RECEIVED
NOV - 7 2003
INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Hon Attorney General
Bill Lockyer

Attention Trish Knight, Initiative Coordinator
Re: Amendment

Dear Trish:

Enclosed you will find an amended copy, entitled "Redistricting Reform: The Voter Empowerment Act of 2004," four pages in length. This language is in amendment to our previously filed "Redistricting Reform Act of 2004" (#SA 2003RF0056) filed on October 30, 2003.

I am asking you to prepare a title and summary. I am a registered voter in California and a citizen of the United States. I am also enclosing a 9608 affidavit.

Thank You

Edward J. " Ted" Costa

3407 Arden Way Sacramento, CA 95825 (916) 482-6175 FAX: (916) 482-2045

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AFFIDAVIT

I, Ted Costa, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

Ted Costa

Dated this 6 day of NOVEMBER, 2003

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REDISTRICTING REFORM: THE VOTER EMPOWERMENT ACT OF 2004

SA 2003RF0056 Amended

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO VOTERS

SECTION 1. Findings and Declarations of Purpose

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

(a) Our Legislature should be responsive to the demands of the citizens of the state of California -- not the self-interest of individual legislators or the partisan interests of the political parties.

(b) Self-interest and partisan gerry-mandering has created ideological polarization in our institutions of representative democracy, resulting in a disconnect between the interests of the people of California and their elected representatives.

(c) We demand that our representative system of government be fair to all, open to public scrutiny, free of conflicts of interest and dedicated to the principle that government derives its powers from the consent of the governed. Therefore, the People of the State of California hereby adopt the "Redistricting Reform: The Voter Empowerment Act of 2004."

SECTION 2. Fair Redistricting

Article XXI of the California Constitution is amended to read:

Section 1. (a) Except as provided in subdivision (b), 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 districts by a statute enacted pursuant to this Article. ~~in conformance with the following standards:~~

(b) Within 90 days following the adoption of this amendment, the Judicial Council shall appoint a panel of Special Masters to propose a plan of redistricting adjusting the boundary lines

of the Senatorial, Assembly, Congressional, and Board of Equalization districts for use in the elections to be held in 2006 and until the next adjustment of boundary lines is required pursuant to subdivision (a). All other provisions of this Article shall apply to the proposal and adoption of the plan required by this subdivision.

(c)(1) On or before February 1 of the year following the year in which the national census is taken, the Judicial Council shall appoint a three-member panel of Special Masters to prepare a plan of redistricting adjusting the boundary lines of the Senatorial, Assembly, Congressional, and Board of Equalization districts pursuant to this Article. Only retired state or federal judges, who have never held partisan political office and have not changed their party affiliation, as declared on their voter registration affidavit, in the preceding 5 years are qualified to serve as a Special Master. A retired judge willing to serve as a Special Master shall also pledge, in writing, that he or she will not accept an appointment to any government position for at least 5 years and will not seek election to partisan political office for at least 5 years. The Judicial Council shall identify twelve qualified judges willing to serve as a Special Master. The Speaker of the Assembly, the Minority Leader of the Assembly, the President pro Tempore of the Senate and the Minority Leader of the Senate may each identify three qualified judges, who are not registered members of the same political party as the legislator making the nomination, willing to serve as a Special Master. Each legislator authorized to nominate a judge shall also be entitled to exercise one peremptory challenge striking the name of a nominee of any other legislator. From the list of qualified nominees, the Judicial Council shall then draw, by lot, three persons to serve as Special Masters and three alternates. If the drawing produces three Special Masters registered to vote as members of a single political party, or three Special Masters nominated by legislators, or two Special Masters nominated by the same legislator, or fails to produce at least one Special Master from each of the two largest political parties, the drawing shall be conducted again. The Special Masters shall receive no compensation for their services, but shall be reimbursed for their actual and necessary travel and other expenses incurred in the discharge of their duties. The Special Masters' term of office shall expire upon enactment of a statute pursuant to this Article or discharge pursuant to subdivision (e).

(2) The panel of Special Masters shall establish a public schedule and deadline to receive and consider proposed plans from any member of the Legislature or any elector. A member of the Legislature may submit more than one plan and may sponsor a plan drafted by any elector or public interest group. The panel of Special Masters shall hold public hearings throughout the state to consider redistricting plans. A plan shall be unanimously approved and then presented to the Legislature pursuant to this Article.

(3) The Legislature shall make such appropriations from the Legislature's operating budget, as limited by section 7.5 of Article IV, as necessary for the panel to employ counsel, independent experts in the field of redistricting and computer technology, and other necessary personnel to assist them in their work.

(d) Any member of the Legislature may introduce the proposed redistricting plan approved by the panel of Special Masters as a bill. No amendment to the bill, other than technical and non-substantive amendments, and no other bill proposing to establish or change boundaries of any legislative, congressional or other election district shall be introduced or considered by the Legislature.

(e)(1) If the bill is not enacted as a statute, the Legislature as a whole, or any member of the Legislature, may, within 10 days following rejection of the bill, propose modifications to the panel of Special Masters for its consideration. The panel shall reconvene and hold public hearings on the proposed modifications. If the panel approves an amendment to the plan, a member of the Legislature may introduce a new bill proposing the amended plan for approval or rejection by the Legislature pursuant to this Article.

(2) If a redistricting bill is adopted by the Legislature, it shall be presented to the Governor pursuant to Section 10 of Article IV.

(3) If the plan is approved by the voters after submission pursuant to subdivision (g) hereof, it shall be used in succeeding elections until the adjustment of new boundaries is required. If the plan is rejected by the voters, a new panel of Special Masters shall be appointed within 90 days for the purpose of proposing a new plan for adoption pursuant to this Article.

(f)(1) If the Legislature fails to enact a statute required by this Article more than 180 days prior to the first primary election to be held using the adjusted boundary lines, the panel of Special Masters shall declare an impasse and shall petition the Supreme Court for an order, directing the Secretary of State and county elections officials to use the plan proposed by the Special Masters for use in the first primary and general election to be held using the adjusted boundary lines. The Court may amend the plan if necessary to conform with federal law and the requirements of Section 2.

(2) If the plan is approved by the voters pursuant to subdivision (g) hereof, it shall be used in succeeding elections until the adjustment of new boundaries is required. If the plan is rejected by the voters, a new panel of Special Masters shall be appointed within 90 days for the purpose of proposing a new plan for adoption pursuant to this Article.

(g) If a bill is enacted pursuant to subdivision (e), or if ordered to use the Special Masters plan pursuant to subdivision (f)(1), the plan shall be used at the next election following such event, and the Secretary of State shall also submit such plan at the next general election for approval or rejection by the voters as if it were proposed as a referendum under Section 9 of Article II.

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

(b) The population of all districts of a particular type shall be ~~reasonably~~ as nearly equal as practicable. For congressional districts, the maximum population deviation between districts shall not exceed federal constitutional standards. For state legislative and Board of Equalization districts, the maximum population deviation between districts of the same type shall not exceed one percent.

(c) Districts of a particular type shall comply with the Federal Voting Rights Act.

~~(c)~~ (d) Every district shall be contiguous and as compact as practicable. In regards to compactness, to the extent practicable, a contiguous area of population shall not be bypassed to incorporate an area of population more distant.

~~(d)~~ (e) Each Board of Equalization district shall be comprised of ten adjacent Senate districts and each Senate district shall be comprised of two adjacent Assembly districts. ~~Districts of each type shall be numbered consecutively commencing at the northern boundary of the state and ending at the southern boundary.~~

~~(e)~~ (f) District boundaries shall conform to existing geographic boundaries of a county, city, or city and county, and shall preserve identifiable communities of interest to the greatest extent possible. In this regard, a redistricting plan shall not cross any common county boundary more than once and shall create the most whole counties and the fewest county fragments possible ~~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~~ except as necessary to comply with the requirements of any other subdivision of this section.

(g) No consideration shall be given as to the potential effects on incumbents or political parties. No data regarding the party affiliation or voting history of electors may be used in the preparation of plans.

Section 3. Any elector shall have standing to bring an action directly in the Supreme Court alleging that a statute establishing or changing boundaries of any Senatorial, Assembly, Congressional, or Board of Equalization districts does not conform with the requirements of this Article. A petition filed with the Court pursuant to this Section shall be filed within 30 days of the enactment or the action is forever barred. The Court shall render its decision within 60 days after the filing of the petition and if the Court does not do so within 60 days, it shall constitute a

denial of the petition. If the Court finds a plan to be in violation of this Article a new plan shall be adopted pursuant to this Article.

SECTION 3. Severability

If any part of the measure or the application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications which could reasonably can be given effect without the invalid provision or application.