PEOPLE'S ADVOCATE, INC.

Paul Gann, Founder

Your Voice in Government

SA2004RF0031

October 5, 2004

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OCT 06 2004
INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Hon Attorney General
Bill Lockyer

Attention Trish Knight, Initiative Coordinator

Dear Trish:

Enclosed you will find an initiative, entitled "Redistricting Reform: The Voter Empowerment Act of 2004," five pages in length. Also included is a check for $200.00 as is requested for filing fees.

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

SA2004RF0031

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 this ballot.

Ted Costa

Dated this 5 day of October, 2004

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SA2004RF0031

REDISTRICTING REFORM: THE VOTER EMPOWERMENT ACT

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, and not the self-interest of individual legislators or the partisan interests of political parties.

(b) Self-interest and partisan gerrymandering have resulted in uncompetitive districts, ideological polarization in our institutions of representative democracy, and a disconnect between the interests of the People of California and their elected representatives.

(c) The redistricting plans adopted by the California Legislature in 2001 are repugnant to the People, self-serving, and in direct opposition to the People's interest in fair and competitive elections. They should not be used again.

(d) 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 power from the consent of the governed. Therefore, the People of the State of California hereby adopt the "Redistricting Reform: The Voter Empowerment Act."

SECTION 2. Fair Redistricting

Article XXI of the California Constitution is amended to read (added language shown in underline text, deleted language shown in strike-out text):

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, a panel of Special Masters composed of retired judges shall adjust the boundary lines of the Senatorial, Assembly, Congressional, and Board of Equalization districts in accordance with the standards and provisions of this Article.

(b) Within 45 days following the adoption of this amendment, the Legislature shall appoint pursuant to the provisions of subdivision (c)(2) a panel of Special Masters to adopt a

plan of redistricting adjusting the boundary lines of the Senatorial, Assembly, Congressional, and Board of Equalization districts for use in the next statewide primary and general elections and until the next adjustment of boundary lines is required pursuant to subdivision (a). The panel shall establish a schedule and deadlines to ensure timely adoption of the plan. Except for subdivision (c)(1), all provisions of this Article shall apply to the adoption of the plan required by this subdivision.

(c)(1) Except as provided in subdivision (b), on or before January 1 of the year following the year in which the national census is taken, the Legislature shall appoint pursuant to the provisions of subdivision (c)(2) a panel of Special Masters composed of retired judges to adopt a plan of redistricting adjusting the boundary lines of the Senatorial, Assembly, Congressional, and Board of Equalization districts pursuant to this Article.

(2) The Judicial Council shall nominate sixteen retired judges willing to serve as Special Masters. 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, since their initial appointment or election to judicial office, are qualified to serve as a Special Master. A retired judge selected to serve as a Special Master shall also pledge, in writing, that he or she will not accept state public employment or public office, other than judicial employment or judicial office or a teaching position, for at least 5 years if appointed as a Special Master. Not more than eight of the sixteen retired judges may be of a single party affiliation. From the pool of retired judges nominated by the Judicial Council, 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 shall each nominate three retired judges, who are not registered members of the same political party as that of the legislator making the nomination. Each legislator authorized to nominate a retired judge shall also be entitled to exercise a single peremptory challenge striking the name of any nominee of any other legislator. From the list of remaining nominees selected by said legislative leadership, the Chief Clerk of the Assembly 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 fails to produce at least one Special Master from each of the two largest political parties, the drawing shall be conducted again. If for any reason said legislative leadership fails to nominate the retired judges within the period specified for appointment of the Special Masters, the Chief Clerk of the Assembly shall draw, by lot, three persons to serve as Special Masters and three alternates from the larger pool of retired judges nominated by the Judicial Council. In the event of a vacancy in the panel of Special Masters, the Chief Clerk shall draw, by lot, a replacement from the pool of alternates immediately following the vacancy, consistent with the requirements of this subdivision.

(d) Each Special Master shall be compensated at the same rate and in the same manner as a member of the California Citizens Compensation Commission pursuant to Section 8(j) of Article III and shall receive their actual and necessary expenses, including travel expenses,

incurred in the performance of their duties. The Special Masters' term of office shall expire upon approval or rejection of a plan pursuant to subdivision (f).

(e) Public notice shall be given of all meetings of the Special Masters, and the meetings shall be open to the public. The panel of Special Masters shall establish and publish a schedule to receive and consider proposed plans from any member of the Legislature or any elector. The panel of Special Masters shall hold at least three public hearings throughout the state to consider redistricting plans. Before the adoption of a final plan, the Special Masters shall submit their plan to the Legislature for an opportunity to comment. The final redistricting plan shall be approved by a single resolution adopted unanimously by the Special Masters and shall become effective upon its filing with the Secretary of State for use at the next statewide primary and general election, and if adopted by initiative pursuant to subdivision (f), for succeeding elections until the adjustment of new boundaries is required pursuant to this Article.

(f) The Secretary of State shall submit such plan at the next general election following its adoption under subdivision (e) for approval or rejection by the voters as if it were proposed as a initiative statute under Section 8 of Article II.

(g) If the plan is approved by the voters pursuant to subdivision (f) 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.

(h) The Legislature shall make such appropriations from the Legislature's operating budget, as limited by section 7.5 of Article IV, as necessary to provide the panel of Special Masters with equipment, office space, and necessary personnel, including counsel and independent experts in the field of redistricting and computer technology, to assist them in their work. The Legislative Analyst shall determine the maximum amount of the appropriation, based on one-half the amount expended by the Legislature in creating plans in 2001, adjusted by the California Consumer Price Index. Until the appropriations are made, the Fair Political Practices Commission, or any successor agency, shall furnish, from existing resources, staff and services to the panel as needed for the performance of its duties.

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 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 or any stricter standard required by federal law.

(c) Districts shall comply with any applicable federal statute, including the federal Voting Rights Act.

(d) 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.

(e) Every district shall be contiguous.

(f) District boundaries shall conform to existing geographic boundaries of a county, city, or city and county to the greatest extent practicable. In this regard, a redistricting plan shall comply with these criteria in the following order of importance: (1) create the most whole counties possible, (2) create the fewest county fragments possible, (3) create the most whole cities possible, and (4) create the fewest city fragments possible, except as necessary to comply with the requirements of the preceding subdivisions of this section.

(g) Every district shall be as compact as practicable except to the extent necessary to comply with the requirements of the preceding subdivisions of this section. With regard to compactness, to the extent practicable, a contiguous area of population shall not be bypassed to incorporate an area of population more distant.

(h) No consideration shall be given as to the potential effects on incumbents or political parties. No data regarding the residence of an incumbent or the party affiliation or voting history of electors may be used in the preparation of plans, except as required by federal law.

Section 3. Any action or proceeding alleging that a plan adopted by the Special Masters does not conform with the requirements of this Article must be filed within 45 days of the filing of the plan with the Secretary of State or such action or proceeding is forever barred. Judicial review of the conformity of any plan with the requirements of this Article may be pursuant to a petition for extraordinary relief. If any court finds a plan to be in violation of this Article, it may order that a new plan be adopted by a panel of Special Masters pursuant to this Article.

~~Section 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 districts in conformance with the following standards:~~
~~(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 districts of a particular type shall be reasonably equal.~~

~~(c) Every district shall be contiguous.~~
~~(d) Districts of each type 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.~~

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 can reasonably be given effect without the invalid provision or application.