

STATE OF CALIFORNIA
 BUDGET CHANGE PROPOSAL - COVER SHEET
 FOR FISCAL YEAR 2011-12

DF-46 (WORD Version)(REV 04/08)

Please report dollars in thousands.

Department of Finance
 915 L Street
 Sacramento, CA 95814
 IMS Mail Code: A-15

BCP # 1	PRIORITY NO. 1	ORG. CODE 0911	DEPARTMENT Citizens Redistricting Commission
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PROGRAM Redistricting California's Political Districts	ELEMENT	COMPONENT
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TITLE OF PROPOSED CHANGE
 Citizens Redistricting Commission Continuing Activities

SUMMARY OF PROPOSED CHANGES
 The Citizens Redistricting Commission is established in California's Constitution at Article XXI to complete the redistricting of California's Congressional, State Senatorial, State Assembly, and Board of Equalization districts as required every ten years with the release of federal census data. The Commission is required to conduct an open and transparent public hearing process throughout California that allows full public consideration of and comment on the drawing of district lines by August 15, 2011. Based on the Commission's estimation of the minimum costs to complete the process required in the Constitution and to process related Public Records Act requests, it is requesting an additional \$400,000 General Fund in 2011-12 and the extension of existing position authority for 8.0 positions (4.0 PYs). In addition, the Commission requests provisional language be included to make an additional \$1.5 million available for potential costs related to the support of litigation.

REQUIRES LEGISLATION <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	CODE SECTION(S) TO BE AMENDED/ADDED	BUDGET IMPACT—PROVIDE LIST AND MARK IF APPLICABLE <input checked="" type="checkbox"/> ONE-TIME COST <input type="checkbox"/> FUTURE SAVINGS <input type="checkbox"/> FULL-YEAR COSTS <input type="checkbox"/> REVENUE <input type="checkbox"/> FACILITIES/CAPITAL COSTS
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PREPARED BY	DATE	REVIEWED BY	DATE
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DEPARTMENT DIRECTOR <i>Am Cio</i>	DATE 5/16/11	AGENCY SECRETARY	DATE
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DOES THIS BCP CONTAIN INFORMATION TECHNOLOGY (IT) COMPONENTS? YES OR NO
 IF YES, DEPARTMENT CHIEF INFORMATION OFFICER SIGNATURE DATE

FOR IT REQUESTS, SPECIFY THE DATE A SPECIAL PROJECT REPORT (SPR) OR FEASIBILITY STUDY REPORT (FSR) WAS APPROVED BY THE OFFICE OF THE CHIEF INFORMATION OFFICER (OCIO), OR PREVIOUSLY BY THE DEPARTMENT OF FINANCE.

DATE PROJECT # FSR OR SPR

IF PROPOSAL AFFECTS ANOTHER DEPARTMENT, DOES OTHER DEPARTMENT CONCUR WITH PROPOSAL?

YES NO ATTACH COMMENTS OF AFFECTED DEPARTMENT, SIGNED AND DATED BY THE DEPARTMENT DIRECTOR OR DESIGNEE.

DEPARTMENT OF FINANCE ANALYST USE
 (ADDITIONAL REVIEW)

CAPITAL OUTLAY ITCU FSCU OSAE CALSTARS OCIO Original Signed by:
 DATE SUBMITTED TO THE LEGISLATURE: MAY 16 2011 PPBA: John Fitzpatrick

STATE OF CALIFORNIA
 BUDGET CHANGE PROPOSAL—FISCAL DETAIL
 STATE OPERATIONS
 DF-46 (REV 04/08)
 Please report dollars in thousands.

Department of Finance
 915 L Street
 Sacramento, CA 95814
 IMS Mail Code: A-15

BCP 1	DATE 05/11/11	TITLE OF PROPOSED CHANGE CITIZENS REDISTRICTING COMMISSION CONTINUING ACTIVITIES					
PROGRAM Redistricting California's Political Districts	ELEMENT	COMPONENT					
PERSONNEL YEARS							
	CY	BY	BY + 1	CY	BY	BY +	
TOTAL SALARIES AND WAGES ¹		8.0			\$	\$400	\$
SALARY SAVINGS	-	-4.0	-		-	-200	-
NET TOTAL SALARIES AND WAGES		4.0			\$	\$200	\$
STAFF BENEFITS ²					\$	\$100	\$
TOTAL PERSONAL SERVICES		4.0			\$	\$300	\$
OPERATING EXPENSES AND EQUIPMENT ³							
GENERAL EXPENSE						\$48	
PRINTING						\$	
COMMUNICATIONS						\$	
POSTAGE							
TRAVEL—IN STATE						\$	
TRAVEL—OUT OF STATE							
TRAINING							
FACILITIES OPERATIONS							
UTILITIES							
CONSULTING & PROFESSIONAL SERVICES: Interdepartmental ⁵						\$	
CONSULTING & PROFESSIONAL SERVICES: External ³						\$52	
DEPT OF TECHNOLOGY SERVICES CONSOLIDATED DATA CENTER							
DATA PROCESSING							
EQUIPMENT ³						\$	
DEBT SERVICE							
OTHER ITEMS OF EXPENSE: (specify below)							
TOTAL OPERATING EXPENSES AND EQUIPMENT					\$	\$ 100	\$
SPECIAL ITEMS OF EXPENSE ⁴					\$	\$	\$
TOTAL STATE OPERATIONS EXPENDITURES					\$	\$ 400	\$
SOURCE OF FUNDS		APPROPRIATION NO.					
	ORG	REF	FUND				
GENERAL FUND	0911	001	0001	\$	\$ 400	\$	
SPECIAL FUNDS				\$	\$	\$	
FEDERAL FUNDS				\$	\$	\$	
OTHER FUNDS (SPECIFY)				\$	\$	\$	
REIMBURSEMENTS				\$	\$	\$	

¹ ITEMIZED DETAIL ON PAGE I-3 BY CLASSIFICATION AS IN SALARIES AND WAGES SUPPLEMENT.

² PROVIDE DETAIL ON PAGE I-3.

³ PROVIDE LIST ON PAGE I-4.

⁴ SPECIAL ITEMS OF EXPENSE MUST BE TITLED. PLEASE REFER TO THE UNIFORM CODES MANUAL FOR A LIST OF THE STANDARDIZED SPECIAL ITEMS OF EXPENSE OBJECT WHICH MAY BE USED.

A. NATURE OF REQUEST

The Citizens Redistricting Commission requests \$ 400,000 General Fund and 8.0 positions (4.0 PYs) in 2011-12 for support of continuing activities to complete redistricting activities set forth in Article XXI of the California Constitution and other activities as required by California state law. Principal among the additional mandated activities is responding to Public Records Act requests, as required by Information Practices Act, Section 1798, et seq. of the Civil Code and the California Public Records Act, Section 6250 et seq. of the Government Code. This funding request would provide resources for the Commission beyond the original appropriation of \$3 million in 2009-10 and the \$1 million augmentation provided in 2010-11.

B. BACKGROUND/HISTORY

Proposition 11, the Voters First Act (the Act), was passed during the November 2008 General Election and amended Article XXI of California's Constitution (2008 amendment) to provide for a 14 person Commission, consisting of five members registered with the state's largest political party, five members registered with state's second largest party and four members who are not registered with either of those two parties. The 2008 amendment specifies that the selection process for the Commission is designed to produce a Commission that is independent from Legislative influence and reasonably representative of the State's diversity. To create the Commission, the 2008 amendment required the State Auditor to initiate an application process in each year ending in zero that is open to all registered California voters in a manner that promotes a diverse and qualified applicant pool and to complete the selection process of the Commission no later than December 31st of the same year. In fulfilling this requirement, the State Auditor completed the first application process within the time requirements and received over 36,000 applications that resulted in a Citizens Redistricting Commission of 14 members who come from throughout California.

Section 1 of the 2008 amendment made the Commission responsible for redistricting California's State Senatorial, State Assembly and Board of Equalization districts and Section 2 originally required that the redistricting be completed no later than September 15, 2011. Section 2 also specified criteria for the mapping process and the reporting requirements for the three maps for the State Senatorial, Assembly and Board of Equalization districts including detailed reports that explain the basis on which the Commission made its decisions in achieving compliance with the criteria and the definitions of terms and standards used in drawing each final map.

Section 8253.6 of the 2008 amendment requires "the Legislature to make an appropriation in 2009, and in each year ending in nine thereafter, and the Governor to 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, the Citizens Redistricting Commission, and the Secretary of State that are sufficient to meet the estimated expenses for each of those officers or entities in implementing the redistricting process required by the 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." This Section further states that "the Legislature shall make the necessary appropriation in the Budget Act and the appropriation shall be available during the entire three-year period." The initial appropriation in 2009-10 was for \$3 million General Fund. The Section also states "the Legislature may make additional appropriations in any year in which it determines that Commission requires additional funding to fulfill its duties."

Proposition 20 was passed during the November 2010 General Election and required changes and expansions to the original 2008 amendments to Article XXI of the California Constitution (2010 amendment). The 2010 amendments added

California's fifty-three (53) Congressional districts to the Commission's redistricting responsibilities and significantly expanded the criteria for the district mapping process. Section 2 (g) of the 2010 amendments also shortened the completion date for all four maps and supporting reports to no later than August 15, 2011, thereby reducing the time allowed for the Commission's mandatory submission of the four maps to the Secretary of State by one month. Most importantly, the 2010 amendment made no additional appropriations of funds to support the expanded redistricting requirements. Provisional language in Item 0911-001-0001 of the 2010 Budget Act provided for an augmentation of \$1 million.

C. STATE LEVEL CONSIDERATIONS

The Citizen's Redistricting Commission has been the subject of three separate initiative votes, another for its creation, one to amend the original requirements to include California's Congressional Districts, and a third which would have eliminated the Commission and return the State's redistricting to the Legislature's jurisdiction. The Commission exists today due to public approval of the first initiative, voter support to fold Congressional districts into the Commission's responsibilities, and voter rejection of a return to a system of redistricting performed by the Legislature. This request is for additional funding to "ensure that the Commission has the funding to fulfill its duties" as stated in Article XXI of the Constitution and as required by state regulation. Without this funding, the Commission will not be able to adequately fulfill its Constitutional redistricting requirements.

To staff the redistricting process, the Commission has established eight positions: including an Executive Director, a Chief Counsel, a Communications Director, an Office Manager, a Budget Officer, and three administrative assistants. These positions were established administratively in 2010-11. In addition, the Commission is using additional staff on a temporary basis. By comparison, this is the same level of staffing used by Arizona for its first redistricting effort in 2000, a process which included only five commissioners. Moreover, Arizona's staff were required to work with a land mass that is 70 percent of California's and a population that is not only 17 percent of California's, but also significantly less diverse. As a result, the Commission and its staff also continue to rely heavily on contracts with specialists, temporary labor sources, and work and outreach performed on behalf of the Commission by volunteer organizations in order to complete the redistricting process by the mandated deadline.

D. FACILITY/CAPITAL OUTLAY CONSIDERATIONS

There are no major capital outlay considerations in this proposal.

E. JUSTIFICATION

As noted above, Section 2 (g) of the 2010 amendments requires that the actual redistricting process be completed no later than August 15, 2011, seven and one half months from the date that the Commission was formed. Further, the Commission must respond to Public Records Act requests, as required by the Information Practices Act, Section 1798, et seq. of the Civil Code and the California Public Records Act, Section 6250 et seq. of the Government Code. The Commission's Executive Director, Chief Legal Counsel and Communications Director are involved in coordinating timely responses to public record requests. The Commission to date has received five such requests, one of which was withdrawn and another was referred to the Commission's online materials. Information requested has included e-mails, text messages, handwritten/typed notes, and other documents in the possession of the 14 Commissioners, Commission staff, and any contractor or consultant engaged by the Commission. To date, this has taken many hours for Commission staff to gather records and respond to the requests. Commission staff activities include (but are not limited to)

coordinating the receipt of information (from files, Commissioners and staff), making copies to fulfill the requests, billing the requestors, and releasing the requested information.

It is anticipated that the requests for records will increase steadily as the Commission begins releasing draft maps. These requests could be in the hundreds, based on the number of maps. It is also anticipated that the public will want to evaluate the final maps against the testimony the Commission has received. Some of the written comments are available online. However, live testimony has not yet been transcribed.

Moreover, it is anticipated that many of the requests will be a prelude to litigation. As a result, it is almost certain that litigation challenging the constitutionality of the new districts will occur, requiring the Commission to defend the certified maps in federal courts and in the California Supreme Court. In fact, California Supreme Court litigation followed the redistricting process in each of the last four redistricting cycles of 1970, 1980, 1990, and 2000. Based on this, the Commission proposes the following provisional language in Item 0911-001-0001:

Provisions:

1. The Director of Finance, not sooner than 30 days after notification to the Joint Legislative Budget Committee, or any lesser time determined by the chairperson of the joint committee, may augment this item by up to \$1,500,000 if the Citizens Redistricting Commission demonstrates that funding for litigation support is necessary.

The maximum amount made available by this language would be roughly equivalent to costs that would materialize if the Commission (and its staff) were to continue activities at current levels for the balance of 2011-12.

F. OUTCOMES AND ACCOUNTABILITY

The Citizens Redistricting Commission is independent of direct oversight by the Governor or Legislature as required by the Constitution. The Department of Finance has fiscal oversight of the Commission's budget and the Legislature and Governor have final approval authority. The requested \$400,000 will allow the Commission to finalize the maps through certification and respond to anticipated requests. The proposed provisional language will give flexibility and access to funding for additional Commission activities, primarily to support pending litigation.

G. ANALYSIS OF ALL FEASIBLE ALTERNATIVES

Alternative 1: Funding is not provided to fully continue Commission activities through August 31, 2011. Commission staff functions and funding would not be sufficient to adequately complete Commission responsibilities as required by the Constitution.

Alternative 2: Funding of \$400,000 is provided to the Commission to support the timely completion of the redistricting maps and to process any Public Records Act requests through August 31, 2011.

H. TIMETABLE

Spending authority requested for activities to be performed between July 1, 2011 and August 31, 2011.

I. RECOMMENDATION

APPROVE ALTERNATIVE 2.