

REGIONAL TRANSPORT AUTHORITY AND
STATE/FEDERAL LEGISLATIVE DISTRICTS



FAIR REPRESENTATION INITIATIVE
California State Constitution Initiative Proposed

Attorney General Bill Lockyer
Attn.: Tricia Knight, Initiative Coordinator/SSA
Government Section (916)324-5490, fax (916)323-2137

Your File #SA2003RF0060, Amdt 2-S
<http://caag.state.ca.us/initiatives>

Dear Ms. Knight:

December 15, 2003

I request herethree, in my evaluation, technical, non-substantive corrections to make the proposed state constitution text clear and consistent and constitutional calibre.

1. On page 1, 3rd line from end & 4th word from right, make "districts".

2. In the long-lines first paragraph on page 2, fourth line from the end of the paragraph, in the sentence beginning on that line, the deletion of five words will help to meet the standard of clarity, consistency, and constitutional calibre without changing what people would have to conclude in the sentence read in context with the rest of the paragraph after struggling unnecessarily with the prolixity and convolution! The words remaining in that sentence on that line are: "After the first election for the ten seats, the two prevailing in". Maybe you would add "candidates" after "two", and if that is used instead of only deleting five words, I have no objection.

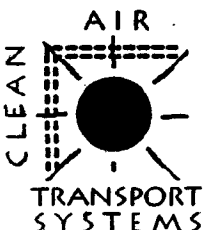
3. On page 2 near the end, the title in B. needs correction to this century! The operative statement immediately following, "After the national census under the" would control over the title because it is the command, and also because of necessity to make sense in the context. If left uncorrected, it would reflect on government for failure to do a competent job in readying text for publication!

These corrections are classifiable as technical and non-substantive. Please let me know their acceptability to you. Enclosed is a complete copy of the proposed initiative with corrections.

Nancy Jewell Cross, Proponent
Fair Representation Initiative
(510) 793-3396

Enclosure: Two pages with the corrections
1 and 3 above, allowed by T.K. on 12/16/03.

CLEAN AIR TRANSPORT SYSTEMS
Regional & Interregional Developers



Dr. Nancy Jewell Cross, Ph.D.
Chief Executive Officer
5744 Forbes Drive
Newark, California 94560
Treasurer for
"Fair Representation Initiative"
Daphne P. Leung

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INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

SA2003RF0060
Amdt# 3-N's

REGIONAL TRANSPORT AUTHORITY AND
STATE/FEDERAL LEGISLATIVE DISTRICTS



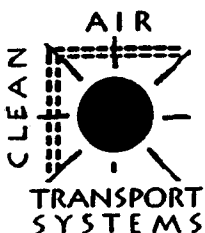
FAIR REPRESENTATION INITIATIVE
California State Constitution Initiative Proposed

PROPONENT'S ELECTIONS CODE SECTIONS 9608 & 18,650 STATEMENT

I, Nancy Jewell Cross, 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. Dated this 22nd day of December, 2003.

Nancy Jewell Cross, Proponent
Fair Representation Initiative
(510) 793-3396

CLEAN AIR TRANSPORT SYSTEMS
Regional & Interregional Developers



Dr. Nancy Jewell Cross, Ph.D.
Chief Executive Officer

Treasurer for
"Fair Representation Initiative"
Daphne P. Leung

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DEC 23 2003

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

SA2003RFO060,
Amdt # 3-NS

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO VOTERS

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

STATE/FEDERAL LEGISLATIVE AND REGIONAL TRANSPORT AUTHORITY DISTRICTS
◆ Using State Demographer, regional associations of governments, and startup neutral structure, the measure morphs 173 party-gerrymandered legislative districts in California into the number of its Representatives in Congress, now 53, county cluster-based State Districts whose voters choose at-large two State Assemblypersons, one State Senator, and one Representative to Congress; and
◆ Districts the Bay Area into five equal population districts for directly electing two persons at-large without other government positions—with voting nonpartisan, order-of-preference—to a 10-member regional, including transportation funding, authority replacing the 19-appointees' Metropolitan Transportation Commission.

NOTICE TO THE PUBLIC - THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK.

To the Honorable Secretary of State of California: We, the undersigned, registered, qualified voters of California, residents of _____ County (or City and County) hereby propose amendments to the Constitution of California relating to districting and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding statewide election. The proposed amendments to the Constitution revise Section 6 of Article IV and Section 1 of Article XXI including their titles, to read as follows:

Section 1. ARTICLE IV, Section 6 - STATE DISTRICTS AND BAY AREA REGION DISTRICTS

A. State Districts

The State is divided into State Districts whose number at all times equals the number of Representatives in Congress from California. From each State District are elected at-large two people to the State Assembly, one person to the State Senate, and a Representative to Congress. Districts for elections statewide, including but not limited to State Board of Equalization districts, shall be comprised of State Districts, and to the extent fair and feasible, County Clusters, described in Article XXI, Section 1. Vacancies in the offices here mentioned may be filled only by election in the State District involved, and if at a Special Election not preceded by primaries, only by Order of Preference voting to prevalence by majority, not mere plurality, if necessary by a subsequent election, from candidates, including those state party-free, required to procure the same number of signatures from equal pools for nomination to have their names on the ballot.

B. Bay Area Region Districts

Central California's nine-county Bay Area is divided into five subregional districts of equal population by the 2000 U.S. decennial census from communities identified by the Association of Bay Area Governments (ABAG) for general planning purposes particularized in the table accompanying. Promptly after publication of results of subsequent decennial censuses, ABAG shall update the descriptions of the five subregional districts with the boundaries, maybe changed communities at that time to maintain equal populations of the five districts based on the latest decennial census and to maintain insofar as possible within single districts, ports and major bridges. [The proposed amendments to the Constitution are continued on the reverse side of this sheet.]

At the election in the Bay Area Region next following adoption of this amendment to the Constitution, voters in the five districts shall determine by nonpartisan, Order of Preference voting to prevalence by majority, not mere plurality, if necessary by a subsequent election, in each district at-large two persons to a 10-member regional authority board, replacing the 19-appointees' Metropolitan Transportation Commission--and fedarcy of the people, confederacy of agencies in the region, for determining transportation development priorities and funding allocations for the region and such other jurisdiction and obligations as the State Legislature may determine. The Legislature, not the board, shall by statute determine appropriate compensation from the State to the members of the regional authority board for essentially "full-time" work. All vacancies on the regional authority board shall be filled by election in the subregional district involved. After the first election for two members for each of the ten seats, the two prevailing in each district shall draw for one member to have a two-year term, and the other a four-year term. Other than for filling an uncompleted term, after that, terms shall be for four years with a maximum continuous occupancy of the office by one person, ten years.

STATE DISTRICTS

BY COUNTY CLUSTER

Table with 4 columns: Cluster, State Districts, Counties and #. Rows include A (One - #1, 11 counties), B (One - #2, 8 counties), C (Two - #3 & 4, 3 counties), D (One - #5, 9 counties).

THE FIVE DISTRICTS OF REGIONAL TRANSPORT AUTHORITY CALIFORNIA BAY AREA BY ABAG SUBREGIONAL PLANNING AREAS, MAJOR BRIDGES, AND PORTS

SOUTHERN DISTRICT

San Jose International Airport. Exclusively Santa Clara County: San Jose, Santa Clara, Milpitas, Cupertino, Campbell, Morgan Hill, Gilroy, Los Gatos, Saratoga, Monte Sereno, and San Martin and other unincorporated rural area remainder north, south, and east to county lines with Alameda, Santa Cruz, San Benito, and San Mateo Counties, excluding lands identified for East Central District.

EAST CENTRAL DISTRICT

Antioch Bridge (shared), Dumbarton Bridge, and Port of Redwood City. In San Mateo County: East Palo Alto, Menlo Park, Atherton, Portola Valley, Woodside, Stanford University corpus unincorporated, and Redwood City (including North Fair Oaks and Emerald Lake unincorporated). The six areas identified preceding the * and Palo Alto and Stanford University corpus unincorporated (see below) are referred to collectively as Quitokand, named after San Francisco Creek to which they are riparian, and county boundary.

In Santa Clara County: Palo Alto, Los Altos (including Loyola), Stanford University corpus, unincorporated, Mountain View, and Sunnyvale.

In Alameda County: Union City, Newark, Fremont, Dublin (including East Dublin and West Dublin), Pleasanton, Livermore (including North Livermore), and Livermore Valley unincorporated area outside any city's sphere of influence, to the north and east.

In Contra Costa County: Concord, Pittsburg (including Bay Point), Clayton, Antioch, Oakley, Brentwood, Sand Hill outside the Antioch and Brentwood spheres, Rural East Contra Costa County, Discovery Bay, Bethel Island, and other rural communities unincorporated in the eastern part of Contra Costa County.

The regional authority shall put measures for funding transportation projects on the ballot only after public hearings on all-modes alternatives and impacts, following dissemination of reports exploring benefits/costs and bay area-wide systems impacts comparatively among transportation alternatives and combinations. The authority shall not present voters with laundry lists of unstudied projects, or funding pots by categories such as bridges, highways, local roads, and transit en mass without line item veto possibilities, for voter approval of funding on the ballot. Order of Preference among alternative scenarios on the ballot shall be preferred when possible.

The Legislature may determine other agencies for the Bay Area the same geographically, to have elected boards, and, if so, the same five districts shall be used therefor. In all cases of regional elective office, and wherever in the State--including but not limited to the regional board with responsibilities for transportation development and funding in the Bay Area--a person may not, at the time of taking out nomination papers or while holding an elected regional office, hold other elected or appointed government office or employment or other incompatibilities or conflicts proscribed by general law, nor shall government charge directly or indirectly, candidates for nomination and candidacy papers, printing of statements in official election materials, or for radio, TV, Internet, or other communications to prospective voters of candidate image, views, and/or qualifications for the regional office.

Section 2. ARTICLE XXI, Section 1 - PROCESS TO DETERMINE STATE DISTRICTS

A. On Adoption of This Amendment

Immediately following adoption of this Amendment to the Constitution, the State Districts so far as shown in the table accompanying by County Cluster shall be in effect. The State elected official to nonpartisan office who at the most recent general election at which more than one nonpartisan office holder was elected, achieved the highest number of votes shall, in role of State Demographer, issue Call to

Associations and Councils of Governments involved with a multi-State District county or nonwhole county/ies' State District by the current Cluster Table, in fully public proceedings with independent proposals evaluated on the same basis as those from a public official or public agency, to initiate and within four months finally assemble adjacent subregional planning areas used for general planning purposes insofar as feasible in equal population State Districts respecting communities and

each port and major bridge entirely in a single State District, and transmit the results of the studies and determination to the State Demographer. The State Demographer shall then assemble the determinations of the several associations and councils in composite tables, maps, and descriptions, and without change, transmit them to the Governor of California. The Governor of California, without changing the substance of the regional bodies' determinations shall forthwith make Proclamation of the State Districts of California to continue until changed after the 2010 census process described below. The State Districts of California shall be respected as law by the State Legislature and all agencies of government and be fully in effect for the nearest elections after the date of the Proclamation.

B. After the 2010 U.S. Decennial Census

After the national census under the direction of Congress in 2010 and following, the State Demographer shall publish over the Internet and enable most public libraries in the State to make accessible to the public in alternative formats,

(1) the relevant populations of California and the counties from the latest and recent decennial censuses, in numbers and decimals to four places of the State's population divided by the number of Representatives to Congress to which California was entitled for the decade. The decimal is called the State District Entitlement Decimal (SDED), with "1,0000" representing population for one State District. (2) graphic(s) and tables of one or more "best fits" in assembling counties to near integrals representing the number of State Districts by cluster for population equity between State Districts by County-Clusters. The table here illustrates this for the decade in which this amendment to the Constitution was proposed.

(3) Make Call for Public Comment and Alternative Scenarios, which shall be promptly added to the Internet site(s) and public library materials. Based on the information available, the State Demographer shall after approximately two months determine the State Districts by County Cluster and issue Call to Associations and Councils of Government described in A, above. The process described in A continues until the Governor's Proclamation and elections following.

Section 3. Severability

If any provision of this measure is determined to be invalid, illegal, or unenforceable in any respect, the remaining provisions shall be enforced consistently with the overall intent.

STATE DISTRICTS--continued

Table with 4 columns: Cluster, State Districts, Counties and #. Rows include E (Three - #6, 7, 8, 3 counties), F (Four - #9 - 12, 3 counties), G (Five - #13 - 17, 3 counties), H (One - #18, 2 counties), I (One - #19, 2 counties), J (Two - #20 & 21, 4 counties), K (One - #22, 2 counties), L (One - #23, 1 county), M (Sixteen - #24 - 39, 2 counties), N (Five - #40 - 44, 2 counties), O (Nine - #45 - 53, 3 counties).

NORTHERN DISTRICT

Benicia-Martinez Bridge, Carquinez Bridges, Richmond-San Rafael Bridge (shared), Port of Benicia, and Port of Vallejo.

Sonoma, Solano, and Napa Counties, and, in Contra Costa County: Rodeo-Crockett, Hercules, Pinole (including Tara Hills), San Pablo, Richmond (including El Sobrante), El Cerrito, Martinez (including Vine Hills), Pleasant Hill (including Pacheco), Lafayette, Orinda, and Moraga. East Richmond Heights with Richmond and El Cerrito spheres.

WESTERN DISTRICT

Golden Gate Bridge, San Francisco-Oakland Bay Bridge (shared), Richmond-San Rafael Bridge (shared), Port of San Francisco, and San Francisco International Airport. Marin County and San Francisco City and County, and in San Mateo County: Pacifica, Daly City, Brisbane, South San Francisco, Colma, San Bruno, Millbrae, Hillsborough, and Burlingame. Also in San Mateo County unincorporated area: San Bruno Mountain.

INNER DISTRICT

San Francisco-Oakland Bay Bridge (shared), San Mateo-Hayward Bridge, Port of Oakland, and Oakland International Airport.

In Contra Costa County: Walnut Creek, Alamo-Blackhawk (including Diablo), Danville (including nonresidential Blackhawk), and San Ramon (including Dougherty Valley).

In San Mateo County: Foster City, San Mateo (including the Highlands), Skyline, Half Moon Bay, Half Moon Bay unincorporated, San Mateo County unincorporated South Coast, Belmont, and San Carlos.

In Alameda County: Oakland, Piedmont, Albany, Berkeley, Emeryville, San Leandro, Castro Valley, Hayward, San Lorenzo, Ashland, Alameda, Cherryland-Fairview, and unincorporated Ridgeland east of Hayward to Pleasanton.