

Assembly Constitutional Amendment

No. 28

Introduced by Assembly Members Canciamilla and Richman

January 25, 2006

Assembly Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding and repealing Article VIII thereof, relating to election reform.

LEGISLATIVE COUNSEL'S DIGEST

ACA 28, as introduced, Canciamilla. Citizens Assembly on Electoral Systems Act of 2006.

The California Constitution requires the Legislature to convene to consider, among other things, statutes, constitutional amendments, and bills, on subjects that may include electoral reform. The California Constitution also authorizes the exercise of legislative power by the electorate, through the initiative and referendum processes.

Existing law, including the California Constitution, specifies the requirements for electing Members of the Legislature and state executive officers, including the Governor, and the campaign finance provisions applicable to elected public officials.

This measure would enact the Citizens Assembly on Electoral Reform Act of 2006, which would establish the Citizens Assembly to evaluate potential reforms of the laws governing the electoral and campaign process, including campaign finance reform, for the Legislature and statewide elected executive officers.

The measure would also require, among other things, that the Citizens Assembly provide the public with the opportunity to make recommendations. The measure would authorize the Citizens Assembly to make interim reports to a legislative committee, as specified, and

would require the Citizens Assembly to make a final report of its recommendations to the Legislature no later than January 1, 2008. The measure would require that any proposals adopted by the Citizens Assembly to amend or revise the California Constitution, and to make related statutory changes, be placed on the ballot at the November 4, 2008, statewide general election. The measure would provide that a proposal would take effect if approved by a majority of the voters voting on it.

The measure would also provide for a specified selection task force that would select the members of the Citizens Assembly, consisting of 2 members from within each Assembly district and up to an additional 10 members as needed to be representative of California's adult population. The measure would provide a selection procedure for the chair of the Citizens Assembly, who would be authorized to conduct the meetings of the Citizens Assembly, employ staff and contract for consultants, enter into contracts for the conduct of the business of the Citizens Assembly, and select up to 4 deputy chairs to assist the chair in carrying out his or her duties.

The measure would also transfer \$20,000,000 from the General Fund to the Citizens Assembly Fund to be established in the State Treasury, and would appropriate this money to the Controller without regard to fiscal year for the payment of expenses incurred by the Citizens Assembly, the Secretary of State, and the selection task force. The measure would require the Citizens Assembly to adopt and provide a budget to the Controller, and would provide that each member of the Citizens Assembly receive a stipend of \$1,000 for each month of service and reimbursement for other specified expenses.

The measure would repeal the above provisions on January 1, 2009.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.

State-mandated local program: no.

- 1 WHEREAS, This measure shall be known and may be cited as
- 2 the Citizens Assembly on Electoral Reform Act of 2006; and
- 3 WHEREAS, There is growing interest in improving the process
- 4 for the election of state legislative and executive officers in
- 5 California. In recent years, proposals to improve both the quality
- 6 of political campaigns and the level of citizen participation have
- 7 been defeated by those with a vested interest in maintaining the
- 8 status quo and the divisive partisanship that ill serve the people of
- 9 California; and

1 WHEREAS, There is a wide variety of electoral processes in
 2 use throughout the world that are based upon different values and
 3 that produce different results. Among other things, electoral
 4 processes help to determine which officials are elected to run our
 5 governments, the variety of parties that voters have to choose from,
 6 how many citizens will turn out to vote, which citizens will or will
 7 not be represented, whether the majority will rule, the drawing of
 8 district lines, term limits, and campaign finance reform. Ultimately,
 9 the choice of electoral processes has a profound effect not only on
 10 the process of elections, but also on the degree to which a political
 11 system is fair, representative, and democratic; and

12 WHEREAS, The people of California should be involved in
 13 any effort to improve the electoral process, including direct
 14 involvement in determining the foundational values of our voting
 15 systems and the needed improvements to those systems. The
 16 citizens of California must take the lead in resolving these key
 17 questions because politicians have a fundamental conflict of interest
 18 in determining the results; and

19 WHEREAS, In consideration of these findings, the purpose of
 20 this measure is to provide for the establishment of a Citizens
 21 Assembly to study how California should elect the Members of
 22 the Legislature and its elected executive officers. The Citizens
 23 Assembly will be an independent and nonpartisan deliberative
 24 body comprised of ordinary Californians convened to study how
 25 the state should best translate votes into legislative seats and
 26 offices, and to place directly on the ballot any constitutional
 27 amendments or revisions, and any directly related statutory
 28 provisions, within its mandate, that serve the purposes of this act
 29 and are needed to best serve California; now, therefore, be it

30 *Resolved by the Assembly, the Senate concurring,* That the
 31 Legislature of the State of California at its 2005-06 Regular Session
 32 commencing on the sixth day of December 2004, two-thirds of
 33 the membership of each house concurring, hereby proposes to the
 34 people of the State of California, that the Constitution of the State
 35 be amended as follows:

36 That Article VIII is added thereto, to read:

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ARTICLE VIII
 CITIZENS ASSEMBLY ON ELECTORAL SYSTEMS ACT
 OF 2006

1 SECTION 1. (a) The Citizens Assembly established pursuant
2 to Section 2 shall evaluate potential reforms of the laws that govern
3 elections and political campaigns in this state. This mandate of the
4 Citizens Assembly is limited to the electoral and campaign process,
5 including campaign finance reform, for the Legislature and
6 statewide elected executive officers. Only changes to this
7 Constitution and related changes in statutory provisions that are
8 consistent with this mandate may be considered by the Citizens
9 Assembly.

10 (b) In carrying out the evaluation described in subdivision (a),
11 the Citizens Assembly shall do all of the following:

12 (1) Provide the public with the opportunity to make
13 recommendations to the Citizens Assembly, whether in writing,
14 orally at public meetings, or by other means.

15 (2) In adopting any proposal to change the method for electing
16 Members of the Legislature and statewide executive officers that
17 differs from the current system, the Citizens Assembly shall
18 consider the potential impact of changes on the scheduling and
19 conducting of campaigns and elections for all candidates for
20 political office in this state, and the proposal shall be described
21 fully, clearly, and in detail in the Citizens Assembly's final report.

22 (c) The Citizens Assembly shall make its final report to the
23 Legislature, setting forth any proposals adopted by the Citizens
24 Assembly for the purposes of this section, no later than January
25 1, 2008. On presentation of the final report, the chair shall arrange
26 for its publication, and the Legislature shall conduct a public
27 hearing within 30 days to consider that report. Any
28 recommendations from the Legislature as to the contents of the
29 report are advisory only.

30 (d) The Citizens Assembly may make interim reports to a joint
31 legislative committee that is appointed by the Speaker of the
32 Assembly and the President pro Tempore of the Senate for the
33 purpose of receiving and considering interim reports from the
34 Citizens Assembly. The Citizens Assembly may, in its sole
35 discretion, incorporate any amendments offered by the Legislature
36 into one or more proposals prior to the submission of those
37 proposals to the Secretary of State pursuant to subdivision (e).

38 (e) Notwithstanding Article XVIII or any other provision of this
39 Constitution, the Citizens Assembly may submit one or more
40 proposals for amendment or revision of the Constitution, together

1 with any related statutory changes it deems appropriate, to the
2 voters for approval. Each such proposal shall be placed on the
3 ballot at the November 4, 2008, statewide general election. If a
4 proposal is approved by a majority of the voters voting on it, the
5 provisions of the proposal shall take effect the day after the
6 election. Each proposal submitted to the voters for the amendment
7 or revision of the Constitution, including any related statutory
8 changes, shall embrace no more than one subject. Each proposal
9 that is adopted by the Citizens Assembly to be submitted to the
10 voters pursuant to this subdivision shall be provided to the
11 Secretary of State no later than March 31, 2008.

12 (f) Any constitutional or statutory change proposed by the
13 Citizens Assembly and approved by the voters pursuant to
14 subdivision (e) may be subsequently amended, revised, or repealed
15 as follows:

16 (1) A constitutional provision is subject to an amendment or
17 revision, as the case may be, including repeal, that may be proposed
18 by the Legislature pursuant to Section 1 or 2 of Article XVIII. In
19 the case of a statutory provision, the Legislature may amend or
20 repeal the provision by another statute that becomes effective only
21 when approved by the voters.

22 (2) A constitutional or statutory provision is subject to
23 amendment or repeal by initiative pursuant to Section 3 of Article
24 XVIII, or Section 8 of Article II, as applicable.

25 SEC. 2. (a) For purposes of performing the duties set forth in
26 Section 1, there shall be established the Citizens Assembly, which
27 shall be broadly representative of the adult population of California
28 with respect to age, gender, socioeconomic status, and geographical
29 distribution based on voter registration. A selection task force
30 composed of six academic experts, two of which are appointed by
31 the President of the University of California, two by the Chancellor
32 of the California State University, and two by a president or
33 chancellor of a private university in California, shall select the
34 members of the Citizens Assembly. Upon request, the Secretary
35 of State shall assist the task force in the performance of its duties
36 under this section. The President of the University of California
37 and the Chancellor of the California State University shall jointly
38 designate the private university.

39 (b) The members of the selection task force shall serve without
40 compensation, but shall be entitled to the reimbursement of

1 expenses pursuant to subdivision (c) of Section 4. The selection
2 task force shall select the members of the Citizens Assembly under
3 the following procedure:

4 (1) The selection task force shall cause a stratified random
5 sample of 100 men and 100 women to be drawn from the registered
6 voter rolls in each Assembly district.

7 (2) Each eligible person whose name is drawn shall be given
8 the opportunity to indicate his or her interest in becoming a member
9 of the Citizens Assembly. The selection task force shall cause a
10 stratified random sample of 10 men and 10 women to be drawn
11 from the list of interested persons from each Assembly district.
12 The selection task force may draw additional stratified random
13 samples of 100 men and 100 women from the registered voter rolls
14 in an Assembly district until a stratified random sample of 10 men
15 and 10 women who are interested in serving as members of the
16 Citizens Assembly is selected from that district.

17 (3) Local selection meetings in each Assembly district,
18 conducted by the selection task force, shall then be held in order
19 to provide further information to prospective members and to
20 randomly select two members, one man and one woman, from
21 each district to serve on the Citizens Assembly. Each member shall
22 serve a term that concludes upon the repeal of this article. All local
23 selection meetings shall be open to the public.

24 (4) The selection task force may select up to 10 additional
25 members, from the lists of interested persons established pursuant
26 to paragraph (2), as may be needed to cause the membership of
27 the Citizens Assembly to approximate a representative sample of
28 California's adult population with respect to age, gender,
29 socioeconomic status, and geographical distribution based on voter
30 registration.

31 (c) The following persons are not eligible to be members of the
32 Citizens Assembly:

33 (1) A person who is not a registered voter in California.

34 (2) An elected state executive officer or his or her appointee.

35 (3) A Member or employee of the United States Congress.

36 (4) A Member or employee of the California Legislature.

37 (5) An elected official of a local governmental agency in this
38 State, including, but not limited to, a city, county, city and county,
39 board, commission, district, or special district.

40 (6) A state or federal judge.

1 (7) A current officer, elected member, or delegate, at the state
2 or county level, of a registered political party.

3 (8) Any person who, on or after January 1, 1987, has provided,
4 for compensation, campaign-related advice or services to a
5 candidate, ballot initiative committee, or independent expenditure
6 committee.

7 (9) A registered lobbyist.

8 (10) An immediate family member of any person excluded
9 under paragraphs (2) to (9), inclusive.

10 (d) Based on the purposes of this article and the responsibilities
11 of the Citizens Assembly, and pursuant to a nationwide search and
12 consideration, the selection task force shall provide the Citizens
13 Assembly with three candidates for the position of compensated,
14 nonvoting chair, who shall be selected as the first order of business
15 by a majority vote of the membership of the Citizens Assembly.
16 In the event of a vacancy in the position of chair, the Citizens
17 Assembly shall fill the vacancy, from either within or without its
18 membership, by approval of a two-thirds vote of its membership.

19 (e) The chair of the Citizens Assembly shall not be included for
20 purposes of the calculation of any vote of the membership under
21 this article.

22 SEC. 3. (a) The chair shall organize the affairs of the Citizens
23 Assembly and conduct its meetings, may employ staff and contract
24 for consultants, including legal counsel, and may otherwise enter
25 into contracts for the conduct of business of the Citizens Assembly.
26 Persons employed to work for the Citizens Assembly are exempt
27 from civil service. The chair has administrative responsibility for
28 the Citizens Assembly which includes, within its budget and other
29 resources provided for this purpose, ensuring that the members of
30 the Citizens Assembly are provided with the resources required
31 to carry out their duties.

32 (b) In the event of a vacancy in the membership of the Citizens
33 Assembly, the chair shall select a replacement of the same gender
34 from the list of previously selected candidates that was drawn
35 pursuant to paragraph (2) of subdivision (b) of Section 2 from the
36 same Assembly district, in a manner designed to maintain the
37 representative composition of the Citizens Assembly.

38 (c) The chair may select up to four deputy chairs to assist the
39 chair in carrying out his or her duties, and shall prepare rules of
40 procedure for the conduct of the business and operation of the

1 Citizens Assembly and present these rules to the Citizens Assembly
2 at its first scheduled meeting. The Citizens Assembly shall adopt
3 rules, and may subsequently amend those rules, by majority vote
4 of the membership. These rules shall be consistent with the
5 constitutional duties of the chair and Robert's Rules of Order. In
6 the absence of any rule to the contrary, Robert's Rules of Order
7 shall govern the proceedings of the Citizens Assembly.

8 (d) Any action of the Citizens Assembly, as described by this
9 article, shall require approval by a majority vote of the membership.

10 (e) The Citizens Assembly may expel any of its members,
11 including the chair, for cause, by a two-thirds vote of the
12 membership. As used in this subdivision, "for cause" means
13 dishonesty, neglect of duty, willful violation of Citizens Assembly
14 rules, or conviction of an offense involving moral turpitude.

15 (f) Decisions on questions of procedure of the Citizens Assembly
16 shall be made by the chair, or by a deputy chair in the chair's
17 absence, in accordance with the rules adopted by the Citizens
18 Assembly or Robert's Rules of Order, as applicable. Decisions of
19 the chair on questions of procedure may not be appealed to the
20 Citizens Assembly, but the chair, or a deputy chair in the absence
21 of the chair, may request comment from members of the Citizens
22 Assembly before making a decision.

23 SEC. 4. (a) The sum of twenty million dollars (\$20,000,000)
24 is hereby transferred from the General Fund to the Citizens
25 Assembly Fund, which is hereby created in the State Treasury and
26 is appropriated to the Controller without regard to fiscal year for
27 the payment of expenses incurred by the Citizens Assembly,
28 including expenses incurred by the Secretary of State and the
29 selection task force under Section 2.

30 (b) The Citizens Assembly shall adopt, and revise as needed, a
31 budget to fund its own operations and communications with the
32 residents of California regarding its activities, and shall provide a
33 copy of that budget to the Controller. Expenditures from the fund
34 shall be made in compliance with the procedures contained in the
35 State Administrative Manual and the statutes, rules, and regulations
36 that are generally applicable to state agencies in this regard.

37 (c) Each member of the Citizens Assembly shall receive a
38 stipend of one thousand dollars (\$1,000) for each month of service
39 at a prorated rate for each day of service, and reimbursement of
40 expenses of travel, meals, lodging, and other actual and necessary

1 expenses incurred in the performance of official duties, at the rates
2 established by the Department of General Services for state
3 employees.

4 SEC. 5. This article shall remain in effect only until January
5 1, 2009, and as of that date is repealed, unless a later enacted
6 measure that is approved by a majority vote of the voters before
7 January 1, 2009, deletes or extends that date.

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