

Introduced by Senator De León
(Principal coauthor: Senator Hueso)

(Principal coauthors: Assembly Members Alejo, Atkins, Gomez, and Gonzalez)

(Coauthors: Senators Allen, Beall, Block, Galgiani, Glazer, Hall, Hancock, Hernandez, Hertzberg, Hill, Jackson, Lara, Leno, Leyva, Liu, McGuire, Mendoza, Mitchell, Monning, Pan, Pavley, Roth, Wieckowski, and Wolk)

(Coauthors: Assembly Members Bonilla, Bonta, Brown, Burke, Calderon, Campos, Chiu, Cooper, Dababneh, Dodd, Eggman, Cristina Garcia, Eduardo Garcia, Gordon, Roger Hernández, Jones-Sawyer, Levine, Lopez, Low, McCarty, Mullin, Perea, Quirk, Rendon, Salas, Santiago, Mark Stone, Ting, Weber, and Williams)

June 8, 2015

Senate Joint Resolution No. 13—Relative to voting.

LEGISLATIVE COUNSEL’S DIGEST

SJR 13, as introduced, De León. Voting: apportionment.

This measure would urge the Supreme Court of the United States to uphold the federal constitutional principle of “one person, one vote” and not deny California’s children and immigrants equal protection under the law.

Fiscal committee: no.

1 WHEREAS, “One person, one vote” has been an enshrined
2 principle of the United States Constitution since it was articulated
3 by Chief Justice of the United States Earl Warren in *Reynolds v.*
4 *Sims* (1964) 377 U.S. 533, which was decided at the height of the
5 Civil Rights movement; and

1 WHEREAS, The Supreme Court of the United States, in
2 *Reynolds v. Sims*, held that seats in both houses of a bicameral
3 legislature must be apportioned equally on a population basis under
4 the equal protection clause of the 14th Amendment to the United
5 States Constitution; and

6 WHEREAS, Federal courts have consistently endorsed the use
7 of total population, including those ineligible to vote, to determine
8 equal apportionment since *Reynolds v. Sims*; and

9 WHEREAS, Political districts across the nation were arbitrarily
10 drawn and severely imbalanced before the Supreme Court of the
11 United States affirmed the principle of “one person, one vote” in
12 *Reynolds v. Sims*; and

13 WHEREAS, Texas plaintiffs, led by Sue Evenwel, Titus County
14 GOP Chairwoman, are attempting to disenfranchise California’s
15 immigrants and children by challenging the longstanding
16 democratic principle of “one person, one vote” through their
17 litigation in *Evenwel v. Abbott*; and

18 WHEREAS, The legal theory proffered by the plaintiffs, that
19 legislative districts must be drawn in a way that excludes children
20 and noncitizens and instead be drawn based on the population of
21 eligible voters, has never been endorsed by the Supreme Court of
22 the United States; and

23 WHEREAS, Sixty-three percent of California’s population
24 consists of citizens of voting age; and

25 WHEREAS, California is deeply concerned with the recent
26 decision of the Supreme Court of the United States to hear
27 arguments in *Evenwel v. Abbott* and potentially disenfranchise 37
28 percent of our state’s population; and

29 WHEREAS, Not counting immigrants, whether with legal status
30 or undocumented, as full persons for purposes of apportionment
31 is reminiscent of the United States Constitution’s infamous
32 three-fifths clause that did not view enslaved Black people the
33 same as White people for purposes of apportionment; and

34 WHEREAS, Overturning the long held precedent of “one person,
35 one vote” would be tantamount to enshrining discrimination and
36 prejudice in the law; and

37 WHEREAS, These plaintiffs seek to use the Supreme Court of
38 the United States to turn back the clock on a half century of legal
39 precedent and return to an unjust, unequal system of drawing

1 legislative districts that would deprive immigrants and children of
2 representation; now, therefore, be it

3 *Resolved by the Senate and the Assembly of the State of*
4 *California, jointly,* That the Legislature urges the Supreme Court
5 of the United States to uphold the United States Constitution's
6 principle of "one person, one vote" and not deny California's
7 children and immigrants equal protection under the law; and be it
8 further

9 *Resolved,* That the Secretary of the Senate transmit copies of
10 this resolution to the members of the Supreme Court of the United
11 States, to the President and Vice President of the United States, to
12 the Speaker of the House of Representatives, to the Majority Leader
13 of the Senate, and to each Senator and Representative from
14 California in the Congress of the United States.