

Senate Joint Resolution No. 13

RESOLUTION CHAPTER 160

Senate Joint Resolution No. 13—Relative to voting.

[Filed with Secretary of State September 4, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

SJR 13, 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.

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

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

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

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

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

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

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

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

WHEREAS, Not counting immigrants, whether with legal status or undocumented, as full persons for purposes of apportionment is reminiscent

of the United States Constitution's infamous three-fifths clause that did not view enslaved Black people the same as White people for purposes of apportionment; and

WHEREAS, Overturning the long held precedent of "one person, one vote" would be tantamount to enshrining discrimination and prejudice in the law; and

WHEREAS, These plaintiffs seek to use the Supreme Court of the United States to turn back the clock on a half century of legal precedent and return to an unjust, unequal system of drawing legislative districts that would deprive immigrants and children of representation; now, therefore, be it

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

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