

Date of Hearing: January 15, 2020

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Marc Berman, Chair

AB 1276 (Bonta) – As Amended January 6, 2020

SUBJECT: Local redistricting.

SUMMARY: Makes various, mostly minor, changes to the process to be used by counties and cities when they adjust the boundaries of the electoral districts that are used to elect members of the jurisdictions' governing bodies. Specifically, **this bill**:

- 1) Specifies that a charter city is not required to develop city council districts that comply with specified criteria if the city has adopted comprehensive or exclusive redistricting criteria in its city charter. Provides, for the purposes of this provision, that “comprehensive or exclusive” means either that the city’s charter excludes consideration of redistricting criteria other than those that are identified by the city charter or that the city’s charter provides two or more traditional criteria for redistricting other than the requirement that districts be equal in population.
- 2) Permits the city council of a charter city to designate *any* advisory body to hold public redistricting hearings that are required by state law, instead of permitting the council to designate a redistricting commission established pursuant to a specified provision of law to hold such hearings.
- 3) Specifies that an entity that is assigned the responsibility of recommending or adopting new city council district boundaries by the city council of a charter city is subject to the same redistricting deadlines, requirements, and restrictions that otherwise would apply to the city council pursuant to existing law if the council adopts such boundaries. States that this provision is declaratory of existing law.
- 4) Specifies that provisions of existing state law governing the formation and makeup of advisory, hybrid, and independent redistricting commissions do not apply to charter cities. States that this provision is declaratory of existing law.
- 5) States that existing law shall not be construed to limit the ability of charter cities to create advisory, hybrid, or independent redistricting commissions.
- 6) Makes clarifying and technical changes.

EXISTING LAW:

- 1) Requires a county or city that is adjusting district boundaries following the federal decennial census to hold at least four public hearings on the adjustment of those boundaries. Requires the county or city to either record or prepare a written summary of each public hearing, as specified. Permits an advisory redistricting commission that has been established by a county or city pursuant to specified procedures to hold these required public hearings, in lieu of the hearings being held by the county board of supervisors or the city council.

- 2) Requires cities, including charter cities, when adopting or adjusting the boundaries of supervisorial or council districts, to develop districts that comply with specified criteria.
- 3) Authorizes a county, general law city, school district, community college district, or a special district to establish an independent redistricting commission, an advisory redistricting commission, or a hybrid redistricting commission by resolution, ordinance, or charter amendment, as specified.
- 4) Gives charter cities plenary authority, subject to limited restrictions, to provide in the city charter for the manner in which, the method by which, the times at which, and the terms for which municipal officers are elected.

FISCAL EFFECT: None. This bill is keyed non-fiscal by the Legislative Counsel.

COMMENTS:

- 1) **Purpose of the Bill:** According to the author:

AB 849 (Bonta, 2019), also known as the Fair And Inclusive Redistricting for Municipalities And Political Subdivisions (FAIR MAPS) Act, codified a number of critically important reforms to California's local redistricting process, including new requirements for transparency, new requirements for public outreach and education, and new criteria that will bring fairness to the drawing of district lines and eliminate gerrymandering. AB 1276 fixes minor errors in the now codified AB 849 in order for it to be the most effective in its reforming of our redistricting processes.

- 2) **Previous Legislation:** AB 849 (Bonta), Chapter 557, Statutes of 2019, revised and standardized the criteria and process to be used by counties and cities when they adjust the boundaries of the electoral districts that are used to elect members of the jurisdictions' governing bodies, and required counties and cities to comply with substantial public hearing and outreach requirements as part of the process for adjusting the boundaries of electoral districts. Prior to the enactment of AB 849, the rules that govern the redistricting process generally had not been changed in years or even decades. AB 849 was approved by this committee on a 5-2 vote, and was approved by the Assembly on a 59-18 vote.

AB 849 included slight differences in the rules that apply to a local jurisdiction when adjusting the boundaries of electoral districts depending on whether that jurisdiction is a county, a general law city, or a charter city. Those differences generally reflect the fact that there may be different policy considerations for different types of jurisdictions. For example, AB 849 required counties to consider the geographic integrity of cities when establishing district lines—a requirement that would be nonsensical if applied to cities that are adjusting district boundaries. Similarly, AB 849 included numerous provisions that specified that certain requirements of the bill did not apply to a charter city that adopted conflicting requirements in its city charter. Those provisions recognize the autonomy that the state constitution grants to charter cities over the conduct of city elections and over the election of municipal officers.

This bill makes various minor changes to the provisions of AB 849 to address what the author describes as minor errors in that bill, and to provide clarification on the interpretation

of certain provisions of AB 849 and of existing law governing the local redistricting process. Specifically, this bill affirms the constitutional autonomy of charter cities over certain parts of the redistricting process by expressly allowing a charter city to establish its own redistricting criteria in its city charter, and by affirming that charter cities have the authority to create commissions, committees, or advisory bodies to assist in the redistricting process. Additionally, this bill makes other technical corrections to correct drafting errors in AB 849.

- 3) **Arguments in Support:** One of the co-sponsors of this bill, Asian Americans Advancing Justice—California, writes in support:

AB 849 dramatically reformed California's local redistricting process to be more fair, transparent, and accessible to the public. For the first time, it mandated that cities and counties draw their maps using ranked criteria that prioritize neighborhoods and communities of interest, placed new transparency and public outreach requirements on local governments, and prohibited partisan gerrymandering. AB 1276 simply adds back negotiated language that was inadvertently deleted during the drafting of AB 849 and clarifies existing law around the creation of redistricting commissions in charter cities.

- 4) **Double-Referral:** This bill is double referred to the Assembly Local Government Committee. Due to impending committee deadlines, if this bill is approved in this committee today, it is scheduled to be heard in the Assembly Local Government Committee this afternoon. However, if this bill is amended in committee today, it will not be able to be heard in the Assembly Local Government Committee at that committee's hearing this afternoon. In light of this fact, if it is the committee's desire to approve this bill with amendments, committee staff recommends that this bill be passed out of committee with the author's commitment to take those amendments subsequent to passage by this committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Asian Americans Advancing Justice – California (co-sponsor)
 Mi Familia Vota (co-sponsor)
 Advancement Project
 American Civil Liberties Union of California
 Asian Americans Advancing Justice - Asian Law Caucus
 CAIR California
 Common Cause - California
 League of United Latin American Citizens
 League of Women Voters of California

Opposition

None on file.

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