
THIRD READING

Bill No: AB 1276
Author: Bonta (D)
Amended: 8/19/20 in Senate
Vote: 21

SENATE ELECTIONS & C.A. COMMITTEE: 4-1, 8/4/20
AYES: Umberg, Hertzberg, Leyva, Stern
NOES: Nielsen

ASSEMBLY FLOOR: 56-0, 1/23/20 - See last page for vote

SUBJECT: Local redistricting

SOURCE: Asian Americans Advancing Justice – California
California Common Cause
League of Women Voters of California
Mi Familia Vota

DIGEST: This bill makes various changes to the process counties and cities use when adjusting the boundaries of their governing bodies' electoral districts. It also makes specified changes to the signatures in-lieu of filing fee process for local candidates.

Senate Floor Amendments of 8/19/20 provide changes to require the County of Los Angeles Citizens Redistricting Commission and the County of San Diego Independent Redistricting Commission to measure population equality based on the county's total population as determined by the most recent federal decennial census data available. The amendments also prohibit an incarcerated person from being counted towards each county's population unless the last known place of residence of the incarcerated person can be assigned to a census block in that county, as specified.

ANALYSIS:

Existing law:

- 1) Requires, following each federal decennial census, counties and cities to adjust the boundaries of their respective districts so that they are substantially equal in population as required by the United States Constitution.
- 2) Requires the boundaries of supervisorial districts and city council districts be adopted by the jurisdictions' governing bodies no earlier than August 1, 2021, and August 1 in each year ending in the number one thereafter, but no later than 151 days before the governing body's next regular election occurring after March 1, 2022, and after March 1 in each year ending in the number two thereafter, as specified. Provides that these provisions do not apply to a charter city under specified conditions.
- 3) Requires that, at the first election for county supervisors in each county or for councilmembers in each city following adoption of the new boundaries, a supervisor or councilmember be elected for each district under the new district plan that has the same district number as a district whose incumbent's term is due to expire.
- 4) Requires counties and cities to take steps in a good faith effort to encourage residents to participate in the redistricting public review process, as specified.
- 5) Requires a county or city that is adjusting district boundaries following the federal decennial census to hold public hearings and requires various public notice requirements, as specified.
- 6) Requires counties and cities to publish a draft map on the Internet for at least seven days before being adopted as a final map by the governing body, unless certain conditions are met, as specified. Requires that each draft map be prepared by a member or an employee of the county or city and be accompanied with specified data to the extent the county or city has that data.
- 7) 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.
- 8) 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.

- 9) Establishes, pursuant to state law, the County of Los Angeles Citizens Redirecting Commission and the County of San Diego Independent Redistricting Commission. Provides for a process for public participation for each county when drafting and adopting a redistricting plan, as specified. Requires both commissions to adopt a redistricting plan adjusting the boundaries of the supervisorial districts and to file the plan, as specified for each county, before August 15 of the year following the year in which each decennial federal census is taken. Provides that each redistricting plan becomes effective 30 days after it is filed, as specified.
- 10) Requires the Secretary of State (SOS) to publish on the Internet a template explaining the county redistricting process that meets specified requirements.
- 11) Requires the SOS or an elections official to furnish forms to each candidate for securing signatures on a signatures in-lieu of filing fee petition, as specified. Requires all forms to be made available commencing 60 days before the first day for circulating nomination papers, as specified.
- 12) Requires signatures in-lieu of filing fee petitions be filed at least 30 days before the close of the nomination period. Requires the elections official to notify the candidate of any deficiency within 10 days after receipt of a petition. Requires the candidate to pay a pro rata portion of the filing fee to cover the deficiency at the time of obtaining nomination forms.

This bill:

- 1) Changes the redistricting deadlines for when supervisorial districts and city council districts need to be adopted by the county's board of supervisors or the city's council. Specifically,
 - a) For redistricting occurring before 2031 and where a county or a city has a regular election occurring after January 1, 2022, and before July 1, 2022, the boundaries of the districts shall be adopted by the governing body not later than 174 days before that election.
 - b) For redistricting occurring on or after before 2031 and where a county or a city does not have a regular election occurring after January 1, 2022 and before July 1, 2022, the boundaries of the districts shall be adopted by the local jurisdiction not later than 205 days before the governing body's next regular election occurring on or after July 1, 2022.
 - c) For redistricting occurring in 2031 and thereafter, the boundaries of the districts shall be adopted by the county or the city not later than 205 days

before the governing body's next regular election occurring after January 1 in each year ending in the two.

- d) Specifies that these provisions do not apply when transitioning from at-large to district-based elections or to a charter city that has adopted a different redistricting deadline by ordinance or in its city charter regardless of the date of that action.
- 2) Requires, for redistricting occurring before 2031 and where a county or a charter city has a regular election occurring after January 1, 2022, and before July 1, 2022, and notwithstanding a specified provision of current law, the forms for a signatures in-lieu of filing fee petition required pursuant to specified provisions of law not be made available until at least 28 days after the adoption of a final map. Requires the elections official to reduce the required number of signatures for the signatures in-lieu of filing fee petition, as specified, by the same proportion as the reduction in time for the candidate to collect signatures. Provides that these provisions do not apply to charter cities if the charter city has adopted a different redistricting deadline by ordinance or in its city charter regardless of the date of that action.
 - 3) Clarifies that the first election for county supervisors in each county or for councilmembers in each city following adoption of the boundaries of supervisorial districts does not include a special election to fill a vacancy or a recall election, as specified. Provides that this provision does not apply when a county or a city transitions from at-large to district-based elections. Clarifies, for counties and charter cities employing both a primary and a general election, that both are prohibited from changing the boundaries of a county's supervisorial district or the boundaries of a charter city's council district between the direct primary election and the general election.
 - 4) Requires that, among the steps for outreach and a good faith effort throughout the redistricting process, counties and cities provide information through good government, civil rights, civic engagement, and community groups or organizations, as specified.
 - 5) Prohibits the board of supervisors and city councils as well as their respective employees or contractors from releasing draft maps of the governing body's districts earlier than three weeks after the release of the block-level redistricting database, as specified.
 - 6) Permits counties and cities to publish the agenda for a redistricting public hearing or workshop on the Internet for at least three days before the hearing or

workshop if there are fewer than 28 days until the deadline to adopt boundaries.

- 7) Requires a draft map be published on the Internet for at least seven days before being adopted as a final map by a county or city, unless certain specified conditions are met. Permits contractors to prepare draft maps for a county or a city, as specified.
- 8) Requires the SOS to publish on the Internet a template explaining the county redistricting process before January in each year ending in the number one, as specified.
- 9) Changes the deadlines for the County of Los Angeles Citizens Redirecting Commission and the County of San Diego Independent Redistricting Commission to file their redistricting plans to the deadlines for adopting district boundaries for counties and cities. Provides new requirements for each commission when redistricting, as specified. Permits both commissions to modify the location of public hearings in the event of any state or local health order prohibiting large gatherings, as specified.
- 10) Permits a city council to adopt new council district boundaries between the preceding and ensuing federal decennial census if the boundaries of the city change due to the subtraction of territory.
- 11) Provides 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, as specified. Permits the city council of a charter city to designate any advisory body to hold public redistricting hearings, as specified. Provides clarifying language regarding charter cities and the formation of redistricting commissions.
- 12) Makes clarifying and technical changes.

Background

AB 849 (Bonta, Chapter 557, Statutes of 2019). AB 849 revised and standardized the criteria and process used by counties and cities when adjusting the boundaries of their governing bodies' electoral districts.

This bill makes various changes to the provisions of AB 849 to address what the author describes as a clean-up bill. AB 1276 seeks to provide clarification on the interpretation of certain provisions of AB 849 and of existing law governing the

local redistricting process. This bill also affirms the constitutional autonomy of charter cities over certain parts of the redistricting process.

Census Delays and Redistricting Timelines. On April 13, 2020, the Census Bureau sought statutory relief from Congress of 120 additional calendar days to deliver the final apportionment counts due to the ongoing effects of the COVID-19 virus. Under the Census Bureau's plan, the deadline for the delivery of redistricting data to the states would be moved from no later than March 31, 2021 to no later than July 31, 2021. Additionally, pursuant to state statute, the Legislature is required to take steps necessary to ensure that a complete and accurate computerized database is available for redistricting, and that procedures are in place to provide the public ready access to redistricting data and computer software for drawing maps.

Under current law, the boundaries of the supervisorial districts and city council districts are required to be adopted by the respective governing body no earlier than August 1, 2021, and August 1 in each year ending in the number one thereafter. This assumes that the deadline for the delivery of redistricting data to the states is no later than March 31, 2021. Assuming the data was released on March 31st, the next four months (April through July) were aimed at preparing the database used for redistricting and provide enough time for public outreach and input from interested parties before adopting a final map. This bill changes the timing parameters and instead, would require a jurisdiction to wait three weeks after the statewide redistricting data is available before it can release a draft map.

The Los Angeles County and San Diego County Redistricting Commissions. Current state law establishes the County of Los Angeles Citizens Redirecting Commission and the County of San Diego Independent Redistricting Commission. For the next redistricting cycle, the supervisorial district maps for each county's commission must be adopted before a statutory deadline of August 15, 2021. With the delays in census data dissemination, it will be virtually impossible to satisfy the requirements for public outreach, develop draft maps, seek input, and ultimately adopt a map before August 15, 2021. This bill makes various changes to both commissions by aligning the deadlines for both counties to the deadlines proposed for counties and changes to existing meeting requirements in response to state and local health orders prohibiting large gatherings.

Signatures in-Lieu of Filing Fees. Existing law permits candidates to file petitions containing the signatures of a specified number of registered voters in lieu of paying a filing fee and requires the petitions to be made available 60 days, instead of 45 days, before the first day for circulating nomination papers.

AB 849 (Bonta) created a predicament where the map adoption deadline (151 days before the election) was after the start of the signatures in-lieu of filing fee period (173 days before the election). This bill adjusts the map adoption deadline to avoid the overlap between map adoption and the beginning of the signatures in-lieu of filing fee process. Combining this issue with the delays in census data distribution, this bill would require the elections official to reduce the required number of signatures for the signatures in-lieu of filing fee petition by the same proportion as the reduction in time for the candidate to collect signatures for offices following the 2021 redistricting and up for election between January 1, 2022 and July 1, 2022. This proposed change would not apply to charter cities if the charter city has adopted a different redistricting deadline by ordinance or in its city charter.

Comments

- 1) According to the author, “AB 1276 is a clean-up bill to a local redistricting reform bill, AB 849, that I authored last year and was signed by the Governor. AB 849, also known as the Fair and Inclusive Redistricting for Municipalities And Political Subdivisions – or 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 adds back language that was negotiated during the drafting of AB 849 from diverse stakeholders but was inadvertently left out of the bill. It also clarifies existing law governing the redistricting process and affirms constitutional autonomy of charter cities over certain aspects of the redistricting process. Additionally, due to input from county elections officials and due to the delay in the release of census data in 2021 caused by COVID-19, AB 1276 fixes timeline issues for redistricting caused by the elections calendar and the delayed data dissemination. The bill also aligns and clarify in particular San Diego and Los Angeles counties’ data collection criterion for prison-adjusted census data with that of all other counties in the state.”

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 8/19/20)

Asian Americans Advancing Justice – California (co-source)

California Common Cause (co-source)

League of Women Voters of California (co-source)

Mi Familia Vota (co-source)

Advancement Project California

American Civil Liberties Union of California
California League of Conservation Voters
Courage Campaign
Dolores Huerta Foundation
Indivisible CA: StateStrong
National Association of Latino Elected and Appointed Officials Education Fund
Partnership for the Advancement of New Americans
Voices for Progress

OPPOSITION: (Verified 8/19/20)

None received

ASSEMBLY FLOOR: 56-0, 1/23/20

AYES: Aguiar-Curry, Arambula, Bauer-Kahan, Berman, Bloom, Boerner
Horvath, Bonta, Burke, Carrillo, Chau, Chiu, Chu, Cooley, Cooper, Daly,
Eggman, Frazier, Friedman, Gabriel, Cristina Garcia, Eduardo Garcia, Gipson,
Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Levine, Limón,
Low, Maienschein, Medina, Mullin, Muratsuchi, Nazarian, O'Donnell, Petrie-
Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez,
Blanca Rubio, Salas, Santiago, Smith, Mark Stone, Ting, Weber, Wicks, Wood,
Rendon

NO VOTE RECORDED: Bigelow, Brough, Calderon, Cervantes, Chen, Choi,
Cunningham, Megan Dahle, Diep, Flora, Fong, Gallagher, Gloria, Kamlager,
Kiley, Lackey, Mathis, Mayes, McCarty, Melendez, Obernolte, Patterson,
Voepel, Waldron

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