

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 2785 (Committee on Elections)

Version: April 16, 2026

Hearing Date: June 30, 2026

Fiscal: Yes

Urgency: No

AM

SUBJECT

Elections: redistricting information

DIGEST

This bill requires the Legislature or an appropriate designee of the Legislature, in conjunction with the Secretary of State, to establish a secure electronic process for county election officials to submit required data and information for redistricting, and specifies what data and information needs to be submitted. The bill provides that certain information is not a public record under the California Public Records Act and is confidential.

EXECUTIVE SUMMARY

The Statewide Database (SWDB) is the official redistricting database for California, which continuously publishes electoral and demographic datasets continuously. The SWDB is responsible for collecting and processing data for California's decennial redistricting, and is used for Assembly, Senate, Congressional, Board of Equalization, and local redistricting, as required under existing law. The author argues this bill streamlines the data collection process and provides privacy protections for voter information.

The bill is author sponsored. No timely support or opposition was received by the Committee. The bill passed the Senate Elections and Constitutional Amendments Committee on a vote of 5 to 0.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Provides that voting shall be secret. (Cal. Const. art. II, § 7.)
- 2) Establishes the Citizens Redistricting Commission (Commission), specifies the activities of the Commission, and the procedural requirements that are subject to. (Gov. Code §§ 8251 et seq.)
- 3) Requires the Legislature to take all 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. Upon the Commission's formation and until its dissolution, the Legislature shall coordinate these efforts with the Commission. (Gov. Code § 8253.)
- 4) Requires county election officials in each county to compile and make available to the Legislature or any appropriate committee of the Legislature any information and statistics that may be necessary for the use in connection with the reapportionment of legislative districts, including precinct maps and other district maps as specified, lists showing the election returns for each precinct, and election returns for each precinct reflecting the vote total for all ballots cast including vote by mail ballots and ballots cast at polling places. (Elec. Code § 21000.)
- 5) Provides, pursuant to the California Constitution, that the people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies are required to be open to public scrutiny. (Cal. const. art. I, § 3(b)(1).)
 - a) Requires a statute to be broadly construed if it furthers the people's right of access, and narrowly construed if it limits the right of access. (Cal. const. art. I, § 3(b)(1).)
 - b) Requires a statute that limits the public's right of access to be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest. (Cal. const. art. I, § 3(b)(1).)
- 6) Governs the disclosure of information collected and maintained by public agencies pursuant to the CPRA. (Gov. Code §§ 792.000 et seq.)
 - a) States that, the Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. (Gov. Code § 7921.000.)
 - b) Defines "public records" as any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any

- state or local agency regardless of physical form or characteristics. (Gov. Code § 7920.530.)
- c) Defines “public agency” as any state or local agency. (Gov. Code § 7920.525(a).)
- 7) Provides that all public records are open to inspection at all times during the office hours of a state or local agency and every person has a right to inspect any public record, unless the record is exempt from public disclosure. Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law. (Gov. Code § 7922.525.)
- a) Some records are prohibited from being disclosed and other records are permissively exempted from being disclosed. (See e.g. Gov. Code §§ 7920.505 & 7922.200.)
- b) There are several general categories of documents or information that are permissively exempt from disclosure under the CPRA essentially due to the character of the information. The exempt information can be withheld by the public agency with custody of the information, but it also may be disclosed if it is shown that the public’s interest in disclosure outweighs the public’s interest in non-disclosure of the information. (*CBS, Inc. v. Block* (1986) 42 Cal.3d 646, at 652.).
- 8) Existing law establishes the Legislative Open Records Act and provides that Legislative records are open to inspection at all times during the normal office hours of the Legislature and any person has a right to inspect any legislative record, except as specified. (Gov. Code §§ 9070 et seq.)

This bill:

- 1) Specifies that county election officials are to compile and make available to the Legislature complete, unredacted election returns for each election precinct, as well as election returns for each registration and election precinct reflecting the number of registered voters and the vote total for all ballots cast, including both the number of ballots cast by mail ballots and the number of ballots cast at polling places.
- a) Also requires a master street index file that may be used to identify the associated precinct for a given street address in the county.
- 2) Requires the Legislature or any appropriate designee of the Legislature, in conjunction with the Secretary of State, to take all steps necessary to establish a secure electronic process that allows county elections officials to submit the information and data required.
- a) This process shall include safeguards to protect the security and integrity of the submitted information.

- b) Precinct maps submitted shall be submitted in geographic information system format, and election returns shall be submitted in comma-separated values files or tab-separated values files.
 - c) Other information and data submitted shall be submitted in an open format that is machine-readable.
- 3) Provides that the complete, unredacted election returns for each precinct shall be received and maintained on a confidential basis and protected from public disclosure, including disclosure pursuant to the California Public Records Act and the Legislative Open Records Act (LORA).
- a) Election returns received shall not be publicly posted or publicly disclosed for any contest from a precinct in which fewer than 10 voters cast ballots at an election.
 - b) Information that is publicly disclosed about the election returns from a precinct in which fewer than 10 voters cast ballots may include the total number of people who voted at the precinct and a breakdown of the number of people who voted by political party preference.
- 4) Makes Legislative findings and declarations regarding the need to limit access to public records.

COMMENTS

1. Author statement

The author writes:

Although Propositions 11 (2008) and 20 (2010) transferred responsibility for drawing legislative, congressional, and Board of Equalization district boundaries to the Citizens Redistricting Commission, Proposition 11 expressly preserved the Legislature's longstanding role in preparing and maintaining the state's official redistricting database. Maintaining that database involves ongoing data collection and processing, including the collection of precinct maps and precinct-level election returns from every county for each statewide election. AB 2785 streamlines that data collection process. It also takes steps to protect voter privacy and to codify the categories of information counties have been required to provide for redistricting purposes in recent statewide elections.

2. This bill provides a limitation on access to public records

Access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. (Gov. Code § 7921.000.) In 2004, the right of public access was enshrined in the California Constitution with the passage of

Proposition 59 (Nov. 3, 2004, statewide general election),¹ which amended the California Constitution to specifically protect the right of the public to access and obtain government records: “The people have the right of access to information concerning the conduct of the people’s business, and therefore . . . the writings of public officials and agencies shall be open to public scrutiny.” (Cal. Const., art. I, sec. 3 (b)(1).) In 2014, voters approved Proposition 42 (Jun. 3, 2014, statewide direct primary election)² to further increase public access to government records by requiring local agencies to comply with the CPRA and the Ralph M. Brown Act³, and with any subsequent statutory enactment amending either act, as provided. (Cal. Const., art. I, sec. 3 (b)(7).)

Under the CPRA, public records are open to inspection by the public at all times during the office hours of the agency, unless exempted from disclosure. (Gov. Code § 7922.252.) A public record is defined as any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any public agency regardless of physical form or characteristics. (Gov. Code § 7920.530.) There are several general categories of documents or information that are permissively exempt from disclosure under the CPRA essentially due to the character of the information. The exempt information can be withheld by the public agency with custody of the information, but it also may be disclosed if it is shown that the public’s interest in disclosure outweighs the public’s interest in non-disclosure of the information. (*CBS, Inc. v. Block* (1986) 42 Cal.3d 646, at 652.). Additionally, some records are prohibited from disclosure or are specifically stated to not be public records. (*see* Gov. Code § 7924.110(a).)

Under the bill, complete, unredacted election returns for each precinct provided to the Legislature by county elections officials is to be received and maintained on a confidential basis and protected from public disclosure under the CPRA and LORA. The bill provides findings and declarations regarding the need for this limitation on the access to public records, stating it is necessary to protect to protect a person’s right to cast a secret ballot under Section 7 of Article II of the California Constitution, while also gathering data necessary for the preparation of a complete and accurate computerized database for redistricting as required by subdivision (b) of Section 8253 of the Government Code. In light of the reasons stated, this limitation on access to public records seems warranted.

¹ Prop. 59 was placed on the ballot by a unanimous vote of both houses of the Legislature. (SCA 1 (Burton, Ch. 1, Stats. 2004))

² Prop. 42 was placed on the ballot by a unanimous vote of both houses of the Legislature. (SCA 3 (Leno, Ch. 123, Stats. 2013))

³ The Ralph M. Brown Act is the open meetings laws that applies to local agencies. (Gov. Code §§ 59450 et. seq.)

SUPPORT

None received

OPPOSITION

None received

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation: AB 1734 (Elections and Redistricting Committee, Ch. 515, Stats. 2007) required elections officials to send election results to the Secretary of State in an electronic format, as provided.

PRIOR VOTES

Senate Elections and Constitutional Amendments Committee (Ayes 5, Noes 0)

Assembly Floor (Ayes 78, Noes 0)

Assembly Appropriations Committee (Ayes 15, Noes 0)

Assembly Elections Committee (Ayes 8, Noes 0)
