
THIRD READING

Bill No: AB 40
Author: Bryan (D) and Berman (D)
Amended: 8/21/25 in Senate
Vote: 27 - Urgency

SENATE HEALTH COMMITTEE: 7-1, 6/11/25
AYES: Menjivar, Durazo, Limón, Padilla, Richardson, Rubio, Wiener
NOES: Grove
NO VOTE RECORDED: Valladares, Gonzalez, Weber Pierson

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 58-9, 4/21/25 - See last page for vote

SUBJECT: Redistricting: congressional districts

SOURCE: Author

DIGEST: This bill provides that the Congressional district maps contained in AB 604 (Aguiar-Curry, Chapter 96, Statutes of 2025) become operative only if ACA 8 (Rivas, Resolution Chapter 156, Statutes of 2025) is approved by voters and if Texas, Florida, or another state adopts a new congressional district map after August 1, 2025, and prior to January 1, 2031, and such redistricting is not required by a federal court order.

Senate Floor Amendments of 8/21/25 replace the contents of this bill with language stating that the bill containing the legal descriptions of the congressional district maps does not take effect unless specified conditions are met.

ANALYSIS:

Existing law contained in Article XXI of the California Constitution:

- 1) Requires that in the year following the year in which a national census is taken under the direction of Congress at the start of a decade, the Citizens

Redistricting Commission (CRC) adjusts the lines of congressional, State Senatorial, Assembly and Board of Equalization districts, pursuant to specified standards and procedures.

- 2) Creates the CRC in each year ending in the number zero to consist of 14 members, five who are registered with the largest political party in the state; five who are registered with the second largest political party in the state; four who are not registered to either of those parties.
- 3) Specifies that the CRC shall create single-member districts that comply with the U.S. Constitution and the federal Voting Rights Act, among other requirements.
- 4) Requires the CRC to issue both maps of districts and a report explaining how the maps comply with the constitutional requirements for districts.
- 5) Places original and exclusive jurisdiction for legal challenges to a map with the California Supreme Court.

This bill:

- 1) Provides that the provisions in AB 604 become operative if both of the following conditions are satisfied:
 - a) ACA 8 is approved by the voters and takes effect.
 - b) Texas, Florida, or another state adopts a new congressional district map that takes effect after August 1, 2025, and before January 1, 2031, and such redistricting is not required by a federal court order. In the State of Ohio, this includes a new congressional district map adopted pursuant to a specified partisan process prescribed in the Ohio State Constitution.
- 2) Contains an urgency clause.

Background

Prior to 2011, Article XXI of the California Constitution gave the California Legislature the power to establish district maps for congressional and state offices once every ten years following a U.S. Census.

In November 2008, the voters passed Proposition 11, which amended Article XXI to the California Constitution to create an independent redistricting commission, the CRC, to redistrict State Senatorial, Assembly, and Board of Equalization districts every ten years following a U.S. Census. In November 2010, Proposition

20 passed and added establishing congressional district maps to the duties of the CRC.

The CRC created congressional, State Senatorial, Assembly, and Board of Equalization districts for the first time in 2011 and then again in 2021.

Comments

- 1) *Effective Date.* ACA 8 will appear on the ballot as Proposition 50 at a special election called by SB 280 (Cervantes, Chapter 97, Statutes of 2025) for November 4, 2025. Should ACA 8 pass at that election, the new maps for congressional districts contained in AB 604 would be used only if, pursuant to this bill, another state puts into use its own new congressional districts that are not required by a federal court order or by a specified process in Ohio. Thus, California’s new congressional district maps could be triggered any time between now and the 2030 election.
- 2) *Support and Opposition.* Communications of support and opposition received relate to mid-decade redistricting in general, and not to a specific measure within this legislative package. Supporters in general assert that this legislation is a needed response to the actions others states, specifically Texas, are taking at the urging of President Trump. They also point out that this legislation asks the voters of the state to decide on whether to approve new congressional districts, rather than politicians making the decision. Supporters further note that the legislation reaffirms California’s support of independent redistricting commissions both here and nationwide.

Opponents’ concerns center on the financial burden of the special election, the short timeframe for public comment on this legislative package, and that California’s congressional delegation already includes relatively few Republican members. The League of Women Voters of California (LWV) notes that it stands “entirely apart from political parties on mid-cycle redistricting and squarely in the fight against President Trump’s authoritarian and dangerous policies that threaten the civil rights and liberties of all Americans.” The LWV here and in other states, however, opposes all attempts to gerrymander congressional lines on a partisan basis.

Related/Prior Legislation

AB 604 (Aguiar-Curry and Gonzalez, Chapter 96, Statutes of 2025) contains the legal descriptions of California congressional districts that would be adopted pursuant to this proposed constitutional amendment.

ACA 8 (Rivas and McGuire, Resolution Chapter 156, Statutes of 2025) would, if approved by the voters, implement new congressional districts pursuant to AB 604 that could take effect as soon as the 2026 elections.

SB 280 (Cervantes and Pellerin, Chapter 97, Statutes of 2025) calls a special election for November 4, 2025, requires the Secretary of State to submit ACA 8 to the voters at that election as Proposition 50, and provides for the conduct of that election.

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

SUPPORT: (Verified 8/21/25)

Please see comment #2 for more details about support and opposition.

Eleni Kounalakis, California Lieutenant Governor
Jose Medina, Riverside County Supervisor, District 1
Paloma Aguirre, San Diego County Supervisor, District 1
Terra Lawson-Remer, San Diego County Supervisor, District 3
AAPI Equity Alliance
AFSCME California
Alliance for a Better Community
Altadena Chamber of Commerce
Arab Resource & Organizing Center Action
Asian American Drug Abuse Program
Battleground California
Black Women Organizing for Political Action
Borderlands for Equity
CA Church IMPACT
CAUSE Action Fund
California Donor Table
California Federation of Labor Unions, AFL-CIO
California Nurses Association
California Professional Firefighters
California Teachers Association
Central Valley Immigrant Integration Collaborative
Child Care Providers United
Climate Action Campaign
Compass Family Services
Costa Mesa Democrats
Democracy Strategy Partners

Democratic Party of Orange County
Democratic Party of San Fernando Valley
El Concilio California
HB Huddle
Imperial Valley Equity and Justice
Indivisible California: StateStrong
Indivisible El Dorado
Indivisible Stanislaus
Inland Empire United
Little Manila Rising
Los Angeles County Democratic Party
Los Angeles County Young Democrats
Outdoor Outreach
Planned Parenthood Affiliates of California
Reproductive Freedom for All California
San Francisco Democratic Party
Search to Involve Pilipino Americans
SEIU California
South Asian Network
Starting Over Strong
Teamsters California
TruEvolution
UDW/AFSCME Local 3930
United Food and Commercial Workers Western States Council
United Way Santa Cruz County
The Unity Council
Voices for Progress
WDN Action
Women's March Foundation
Thousands of individuals

OPPOSITION: (Verified 8/21/25)

Please see comment #2 for more details about support and opposition.

Kevin W. Crye, Shasta County Supervisor, District 1
Alliance San Diego
California Business Roundtable
California Common Cause
California Consumer Advocates for Affordability and Safety
California Hispanic Chamber of Commerce

California Manufacturers and Technology Association
CalTax
Greater High Desert Chamber of Commerce
Govern for California
Greater San Fernando Valley Chamber of Commerce
Independent Voter Education
Independent Voter Project
NFIB
Protect the Voters FIRST Act
Simi Valley Chamber of Commerce
The Two Hundred for Homeownership
United Latinos Action
Unity Party of California
Thousands of individuals

ASSEMBLY FLOOR: 58-9, 4/21/25

AYES: Addis, Aguiar-Curry, Ahrens, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Solache, Soria, Stefani, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NOES: DeMaio, Ellis, Hadwick, Lackey, Macedo, Patterson, Sanchez, Ta, Tangipa

NO VOTE RECORDED: Alanis, Castillo, Chen, Davies, Dixon, Flora, Gallagher, Jeff Gonzalez, Hoover, Papan, Ramos, Sharp-Collins

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8/26/25 9:11:40

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