

AMENDED IN ASSEMBLY APRIL 10, 2012

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1979**

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**Introduced by Assembly Member Roger Hernández**

February 23, 2012

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An act to ~~amend~~ *add* Section ~~14027~~ of 34885 to the Elections Government Code, relating to ~~elections~~ *the City of West Covina*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1979, as amended, Roger Hernández. ~~District-based~~ *City of West Covina: city council district-based* local elections.

Existing law provides for political subdivisions that encompass areas of representation within the state. With respect to these areas, public officials are generally elected by all of the voters of the political subdivision (at-large) or from districts formed within the political subdivision (district-based). ~~Existing law, the California Voting Rights Act of 2001, prohibits an at-large method of election to be imposed or applied in a manner that impairs the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election, as a result of the dilution or the abridgment of the rights of voters who are members of a protected class, as defined.~~

This bill would provide that if the governing body of a county or city determines that an at-large method of election would impair the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election, the governing body shall order *require* that a district-based method of election be imposed for the election of ~~the member~~ *members* of the ~~board of supervisors or city~~

~~council~~ City Council of the City of West Covina, as specified. Because the bill would increase the workload of county elections officials, it would impose a state-mandated local program.

*This bill would make legislative findings and declarations as to the necessity of a special statute for the City of West Covina.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 14027 of the Elections Code is amended~~  
2     ~~to read:~~

3     ~~14027. (a) An at-large method of election may not be imposed~~  
4     ~~or applied in a manner that impairs the ability of a protected class~~  
5     ~~to elect candidates of its choice or its ability to influence the~~  
6     ~~outcome of an election, as a result of the dilution or the abridgment~~  
7     ~~of the rights of voters who are members of a protected class, as~~  
8     ~~defined pursuant to Section 14026.~~

9     ~~(b) Notwithstanding any other provision of law, if the governing~~  
10    ~~body of a county or city determines that an at-large method of~~  
11    ~~election of a member of the board of supervisors or city council~~  
12    ~~would impair the ability of a protected class to elect candidates of~~  
13    ~~its choice or its ability to influence the outcome of an election, the~~  
14    ~~governing body shall order that a district-based method of election~~  
15    ~~be imposed for the election of the member of the board of~~  
16    ~~supervisors or city council.~~

17    ~~SECTION 1. Section 34885 is added to the Government Code,~~  
18    ~~to read:~~

19    ~~34885. (a) (1) This section shall apply only to the City of West~~  
20    ~~Covina.~~

21    ~~(2) The purpose and intent of this section is to establish five city~~  
22    ~~council districts in the City of West Covina and enable West~~  
23    ~~Covina’s voters to elect members of the West Covina City Council~~

1 *by district. For purposes of this section, “by district” means*  
2 *election of members of the city council by voters of the district*  
3 *alone.*

4 *(b) (1) The City Council of the City of West Covina shall, prior*  
5 *to the first day on which voters may nominate candidates for*  
6 *election at the next regular municipal election following the*  
7 *effective date of this section, provide for the establishment of five*  
8 *city council districts. The districts shall be nearly as equal in*  
9 *population as may be. In establishing the boundaries of the*  
10 *districts, the City Council of the City of West Covina may give*  
11 *consideration to all of the following:*

12 *(A) Topography.*

13 *(B) Geography.*

14 *(C) Cohesiveness, contiguity, integrity, and compactness of*  
15 *territory.*

16 *(D) Community of interests of the districts.*

17 *(2) The City Council of the City of West Covina shall hold a*  
18 *public hearing prior to its adoption of the boundaries of the city*  
19 *council districts and shall have the sole authority to establish those*  
20 *areas.*

21 *(3) The City Council of the City of West Covina shall number*  
22 *the city council districts established pursuant to this subdivision.*  
23 *The city council districts with the northernmost boundary shall be*  
24 *district 1. The city council district with the boundary that, except*  
25 *for the boundary of district 1, is northernmost, shall be district 2.*  
26 *Each of the remaining districts shall be numbered accordingly 3*  
27 *to 5, inclusive.*

28 *(c) (1) One member of the city council shall be elected by each*  
29 *district.*

30 *(2) A person is not eligible to hold office as a member of the*  
31 *City Council of the City of West Covina unless he or she resides*  
32 *in the district he or she is seeking to represent and is a registered*  
33 *voter of that district at the time nomination papers are issued to*  
34 *the candidate as provided for in Section 10227 of the Elections*  
35 *Code.*

36 *(d) (1) The terms of office of the two members elected with the*  
37 *lowest vote shall expire on the Tuesday succeeding the first regular*  
38 *election following the effective date of this section. At that election,*  
39 *members shall be elected by district in the even-numbered districts*  
40 *and shall hold office for four years.*

1     (2) *The terms of office of the three members elected with the*  
2 *highest vote shall expire on the Tuesday succeeding the second*  
3 *regular municipal election following the effective date of this*  
4 *section. At that election, members shall be elected by district in*  
5 *the odd-numbered districts and shall hold office for four years.*

6     *SEC. 2. The Legislature finds and declares that a special law*  
7 *is necessary and that a general law cannot be made applicable*  
8 *within the meaning of Section 16 of Article IV of the California*  
9 *Constitution because an at-large method of election impairs the*  
10 *ability of a protected class to elect candidates of its choice and its*  
11 *ability to influence the outcome of elections to elect members of*  
12 *the City Council of West Covina.*

13     ~~SEC. 2.~~

14     *SEC. 3. If the Commission on State Mandates determines that*  
15 *this act contains costs mandated by the state, reimbursement to*  
16 *local agencies and school districts for those costs shall be made*  
17 *pursuant to Part 7 (commencing with Section 17500) of Division*  
18 *4 of Title 2 of the Government Code.*