

AMENDED IN SENATE MARCH 20, 2012

SENATE BILL

No. 1096

**Introduced by Committee on Elections and Constitutional
Amendments (Senators Correa (Chair), De León, Gaines,
La Malfa, and Lieu)**

February 16, 2012

An act to amend ~~Section 8254~~ *Sections 8253 and 8253.6* of the Government Code, relating to redistricting.

LEGISLATIVE COUNSEL'S DIGEST

SB 1096, as amended, Committee on Elections and Constitutional Amendments. Citizens Redistricting Commission.

Under existing law, *the Voters FIRST Act and the Voters FIRST Act for Congress*, the Citizens Redistricting Commission is charged with various duties and responsibilities in connection with redistricting Assembly, Senate, Board of Equalization, and congressional districts; ~~as specified. Existing law establishes the process for the selection and governance of~~ *requires the Citizens Redistricting Commission to hire commission staff, legal counsel, and consultants, as needed, and requires the Secretary of State to provide support functions to the Citizens Redistricting Commission until its staff and office are fully functional.*

~~This bill would make a technical, nonsubstantive amendment to these provisions,~~ *instead, require the State Auditor to provide support functions to the Citizens Redistricting Commission until its staff and office are fully functional.*

Existing law requires the Governor to include in the Governor's Budget submitted to the Legislature amounts of funding for the State Auditor, the Citizens Redistricting Commission, and the Secretary of State that are sufficient to meet the estimated expenses of each of those

officers or entities in implementing the redistricting process, and requires the Legislature to make the necessary appropriation in the Budget Act.

This bill would delete the requirement that the Governor’s Budget include amounts of funding for the Secretary of State in connection with the redistricting process.

The Voters FIRST Act, an initiative measure, provides that the Legislature may amend the act to further the act’s purposes upon a ²/₃ vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: ~~majority~~²/₃. Appropriation: no. Fiscal committee: ~~no~~^{yes}. State-mandated local program: no.

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

1 SECTION 1. Section 8253 of the Government Code is amended
2 to read:

3 8253. Citizens Redistricting Commission Miscellaneous
4 Provisions.

5 (a) The activities of the Citizens Redistricting Commission are
6 subject to all of the following:

7 (1) The commission shall comply with the Bagley-Keene Open
8 Meeting Act (Article 9 (commencing with Section 11120) of
9 Chapter 1 of Part 1 of Division ~~3 of Title 2~~ 3), or its successor.
10 The commission shall provide not less than 14 days’ public notice
11 for each meeting, except that meetings held in September in the
12 year ending in the number one may be held with three days’ notice.

13 (2) The records of the commission pertaining to redistricting
14 and all data considered by the commission are public records that
15 will be posted in a manner that ensures immediate and widespread
16 public access.

17 (3) Commission members and staff may not communicate with
18 or receive communications about redistricting matters from anyone
19 outside of a public hearing. This paragraph does not prohibit
20 communication between commission members, staff, legal counsel,
21 and consultants retained by the commission that is otherwise
22 permitted by the Bagley-Keene Open Meeting Act or its successor
23 outside of a public hearing.

1 (4) The commission shall select by the voting process prescribed
2 in paragraph (5) of subdivision (c) of Section 2 of Article XXI of
3 the California Constitution one of their members to serve as the
4 chair and one to serve as vice chair. The chair and vice chair shall
5 not be of the same party.

6 (5) The commission shall hire commission staff, legal counsel,
7 and consultants as needed. The commission shall establish clear
8 criteria for the hiring and removal of these individuals,
9 communication protocols, and a code of conduct. The commission
10 shall apply the conflicts of interest listed in paragraph (2) of
11 subdivision (a) of Section 8252 to the hiring of staff to the extent
12 applicable. The ~~Secretary of State~~ *Auditor* shall provide support
13 functions to the commission until its staff and office are fully
14 functional. Any individual employed by the commission shall be
15 exempt from the civil service requirements of Article VII of the
16 California Constitution. The commission shall require that at least
17 one of the legal counsel hired by the commission ~~has~~ *have*
18 demonstrated extensive experience and expertise in implementation
19 and enforcement of the federal Voting Rights Act of 1965 (42
20 U.S.C. Sec. 1971 ~~and following~~) *et seq.*). The commission shall
21 make hiring, removal, or contracting decisions on staff, legal
22 counsel, and consultants by nine or more affirmative votes
23 including at least three votes of members registered from each of
24 the two largest parties and three votes from members who are not
25 registered with either of the two largest political parties in
26 California.

27 (6) Notwithstanding any other provision of law, no employer
28 shall discharge, threaten to discharge, intimidate, coerce, or retaliate
29 against any employee by reason of ~~such~~ *that* employee's attendance
30 or scheduled attendance at any meeting of the commission.

31 (7) The commission shall establish and implement an open
32 hearing process for public input and deliberation that shall be
33 subject to public notice and promoted through a thorough outreach
34 program to solicit broad public participation in the redistricting
35 public review process. The hearing process shall include hearings
36 to receive public input before the commission draws any maps and
37 hearings following the drawing and display of any commission
38 maps. In addition, hearings shall be supplemented with other
39 activities as appropriate to further increase opportunities for the
40 public to observe and participate in the review process. The

1 commission shall display the maps for public comment in a manner
2 designed to achieve the widest public access reasonably possible.
3 Public comment shall be taken for at least 14 days from the date
4 of public display of any map.

5 (b) The Legislature shall take all steps necessary to ensure that
6 a complete and accurate computerized database is available for
7 redistricting, and that procedures are in place to provide the public
8 ready access to redistricting data and computer software for
9 drawing maps. Upon the commission's formation and until its
10 dissolution, the Legislature shall coordinate these efforts with the
11 commission.

12 *SEC. 2. Section 8253.6 of the Government Code is amended*
13 *to read:*

14 8253.6. Citizens Redistricting Commission Budget, Fiscal
15 Oversight.

16 (a) ~~In 2009, and in each year ending in nine thereafter,~~ the
17 Governor shall include in the Governor's Budget submitted to the
18 Legislature pursuant to Section 12 of Article IV of the California
19 Constitution amounts of funding for the State Auditor, *and* the
20 Citizens Redistricting Commission, ~~and the Secretary of State~~ that
21 are sufficient to meet the estimated expenses of each of those
22 officers or entities in implementing the redistricting process
23 required by this act for a three-year period, including, but not
24 limited to, adequate funding for a statewide outreach program to
25 solicit broad public participation in the redistricting process. The
26 Governor shall also make adequate office space available for the
27 operation of the commission. The Legislature shall make the
28 necessary appropriation in the Budget Act, and the appropriation
29 shall be available during the entire three-year period. The
30 appropriation made shall be equal to the greater of three million
31 dollars (\$3,000,000), or the amount expended pursuant to this
32 subdivision in the immediately ~~preceding~~ *preceding* redistricting
33 process, as each amount is adjusted by the cumulative change in
34 the California Consumer Price Index, or its successor, since the
35 date of the immediately preceding appropriation made pursuant
36 to this subdivision. The Legislature may make additional
37 appropriations in any year in which it determines that the
38 commission requires additional funding in order to fulfill its duties.

39 (b) The commission, with fiscal oversight from the Department
40 of Finance or its successor, shall have procurement and contracting

1 authority and may hire staff and consultants, exempt from the civil
2 service requirements of Article VII of the California Constitution,
3 for the purposes of this act, including legal representation.

4 *SEC. 3. The Legislature finds and declares that this bill furthers*
5 *the purposes of the Voters FIRST Act within the meaning of*
6 *paragraph (4) of subdivision (c) of Section 8251 of the Government*
7 *Code.*

8 ~~SECTION 1. Section 8251 of the Government Code is amended~~
9 ~~to read:~~

10 ~~8251. Citizens Redistricting Commission General Provisions.~~

11 ~~(a) This chapter implements Article XXI of the California~~
12 ~~Constitution by establishing the process for the selection and~~
13 ~~governance of the Citizens Redistricting Commission.~~

14 ~~(b) For purposes of this chapter, the following terms are defined:~~

15 ~~(1) "Commission" means the Citizens Redistricting Commission.~~

16 ~~(2) "Day" means a calendar day, except that if the final day of~~
17 ~~a period within which an act is to be performed is a Saturday,~~
18 ~~Sunday, or holiday, the period is extended to the next day that is~~
19 ~~not a Saturday, Sunday, or holiday.~~

20 ~~(3) "Panel" means the Applicant Review Panel.~~

21 ~~(4) "Qualified independent auditor" means an auditor who is~~
22 ~~currently licensed by the California Board of Accountancy and~~
23 ~~has been a practicing independent auditor for at least 10 years prior~~
24 ~~to appointment to the Applicant Review Panel.~~

25 ~~(e) The Legislature may not amend this chapter unless all of the~~
26 ~~following are met:~~

27 ~~(1) By the same vote required for the adoption of the final set~~
28 ~~of maps, the commission recommends amendments to this chapter~~
29 ~~to carry out its purpose and intent.~~

30 ~~(2) The exact language of the amendments provided by the~~
31 ~~commission is enacted as a statute approved by a two-thirds vote~~
32 ~~of each house of the Legislature and signed by the Governor.~~

33 ~~(3) The bill containing the amendments provided by the~~
34 ~~commission is in print for 10 days before final passage by the~~
35 ~~Legislature.~~

36 ~~(4) The amendments further the purposes of this act.~~

37 ~~(5) The amendments may not be passed by the Legislature in a~~
38 ~~year ending in zero or 1.~~

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