

ASSEMBLY BILL

No. 1752

Introduced by Assembly Member Fong

February 14, 2014

An act to amend Section 13108 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1752, as introduced, Fong. Redistricting: incumbent designation.

Existing law, as added by constitutional initiative, requires the Citizens Redistricting Commission, in the year following the year in which the federal decennial census is taken, to adjust the boundary lines of the congressional, State Senate, Assembly, and Board of Equalization districts. Existing law specifies which candidate for the office of Representative in Congress, State Senator, Member of the Assembly, or Member of the Board of Equalization shall be deemed the incumbent of the district for purposes of the first election following decennial redistricting.

This bill would change the order of which candidate shall be deemed the incumbent at the first election following decennial redistricting. This bill would also make a conforming change to reflect the redistricting process.

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

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

- 1 SECTION 1. Section 13108 of the Elections Code is amended
- 2 to read:

1 13108. (a) At the first elections for Representative in Congress,
2 State Senator, ~~Assemblyman~~ *Member of the Assembly*, and
3 ~~Members~~ *Member* of the Board of Equalization in each
4 congressional, senatorial, Assembly, and Board of Equalization
5 district following reapportionment acts of the Legislature redefining
6 ~~the boundaries~~ *the adjustment of the boundary lines* of the
7 congressional, senatorial, Assembly, and Board of Equalization
8 districts *by the Citizens Redistricting Commission* pursuant to
9 Section 6 of Article IV, Section 17 of Article XIII, and Section 1
10 of Article XXI, of the California Constitution, that candidate who
11 shall be deemed the incumbent in a given district for purposes of
12 the election shall be that candidate who is running for the same
13 office ~~which~~ *that* he or she then holds, and who is running for
14 reelection in a district that has the identical boundaries and number
15 as the district from which he or she was last elected.

16 (b) In the event there is no candidate to whom subdivision (a)
17 applies, the incumbent shall be that candidate who is running for
18 the same office ~~which~~ *that* he or she then holds, and who is running
19 for reelection in a district that has the identical boundaries as the
20 district from which he or she was last elected, but ~~which~~ *that* has
21 a different number.

22 ~~(c) In the event there is no candidate to whom subdivision (a)~~
23 ~~or (b) apply, the incumbent shall be that candidate who is running~~
24 ~~for the same office which he or she then holds, and who is running~~
25 ~~for reelection in a district that has the identical number as the~~
26 ~~district from which he or she was last elected. However, a candidate~~
27 ~~for the office of Member of the Assembly shall be considered the~~
28 ~~incumbent in this case only if the district bearing the same number~~
29 ~~is located in the same county as the district which previously bore~~
30 ~~that number.~~

31 ~~(d)~~

32 (c) In the event there is no candidate to whom subdivision ~~(a)~~,
33 ~~(b)~~, or ~~(c)~~ *(a) or (b)* apply, the incumbent shall be that candidate
34 who is running for the same office that he or she then holds, and
35 who is running for reelection in a district that contains some portion
36 of the territory previously contained within the district from which
37 he or she was last elected. However, in a new district that contains
38 portions of the territory of more than one former district, the
39 incumbent shall be that candidate the greater portion of the territory
40 of whose former district is included within the new district.

1 *(d) In the event there is no candidate to whom subdivision (a),*
2 *(b), or (c) apply, the incumbent shall be that candidate who is*
3 *running for the same office that he or she then holds, and who is*
4 *running for reelection in a district that has the identical number*
5 *as the district from which he or she was last elected. However, a*
6 *candidate for the office of Member of the Assembly shall be*
7 *considered the incumbent in this case only if the district bearing*
8 *the same number is located in the same county as the district that*
9 *previously bore that number.*

10 (e) If there is no candidate in a given district to which any of
11 the above provisions apply, the incumbent shall be ~~any~~ *the* person
12 who is a candidate for the same office that he or she then holds
13 who fulfills the ~~residential~~ *residency* requirements of law for
14 candidacy within the district.

O