

AMENDED IN ASSEMBLY APRIL 3, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2715**

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**Introduced by Assembly Member Roger Hernández**

February 21, 2014

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An act to add Section 14028.5 to the Elections Code, *and to add Section 36503.2 to the Government Code*, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 2715, as amended, Roger Hernández. District-based municipal 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. ~~Existing~~

*Existing* law authorizes the legislative body of a city to submit to voters at any municipal or special election an ordinance providing for ~~a district-based method of election~~ for the election of members of the legislative body *by districts, from districts, by districts with an elective mayor, or from districts with an elective mayor. Under existing law, "by district" means election of members of the legislative body by voters of the district alone and "from district" means election of members of the legislative body who are residents of the district from which they*

*are elected by the voters of the entire city. Existing law prescribes the procedures for the electors to change from the election of these members by district to election from districts or vice versa.*

~~This bill would require a district-based election to be imposed for the election of the members of the governing body of a city with a population of 100,000 or more, as determined by the most recent federal decennial census. This bill would authorize a city to petition the superior court for an order permitting the city to impose an at-large method of election for the members of the governing body. This bill would permit the court to grant the order if it determines that imposing an at-large method of election would not violate the California Voting Rights Act of 2001. This bill would provide that a voter may file an action against a city that has been granted an order permitting the city to impose an at-large method of election alleging that the city violated the act.~~

*This bill would require the members of the legislative body of a city with a population of 100,000 or more, as determined by the most recent federal decennial census, to be elected by district. This bill would require the legislative body to provide by ordinance, without submitting the ordinance to the electors of the city for approval, for the election of the members in this manner. This bill would require that the boundary lines of each district be adjusted in accordance with specified provisions of law.*

By requiring cities to conduct elections for members of their legislative bodies in a specified manner, this bill would impose a state-mandated local program.

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.

This bill would specify that its provisions become operative on July 1, 2015.

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 14028.5 is added to the Elections Code,  
2 to read:

3 14028.5. ~~(a) Notwithstanding any other provision of law,~~  
4 ~~except as provided in subdivision (b),~~ in a city with a population  
5 of 100,000 or more, as determined by the most recent federal  
6 decennial census, a district-based election shall be imposed for the  
7 election of the members of the governing body of the city *in*  
8 *accordance with Section 36503.2 of the Government Code.*

9 ~~(b) A city described in subdivision (a) may petition the superior~~  
10 ~~court of the county in which the city is located for an order~~  
11 ~~permitting the city to impose an at-large method of election for~~  
12 ~~the members of the governing body of the city. The court may~~  
13 ~~grant the petition if it finds that imposing an at-large method of~~  
14 ~~election would not violate Sections 14027 and 14028.~~

15 ~~(c) A voter may file an action under Section 14032 against a~~  
16 ~~city that has been granted an order permitting the city to impose~~  
17 ~~an at-large method of election pursuant to subdivision (b) alleging~~  
18 ~~a violation of Sections 14027 and 14028.~~

19 *SEC. 2. Section 36503.2 is added to the Government Code, to*  
20 *read:*

21 36503.2. *(a) Notwithstanding any other law, the members of*  
22 *the legislative body of a city with a population of 100,000 or more,*  
23 *as determined by the most recent federal decennial census, shall*  
24 *be elected by district as provided in subdivision (a) or (c) of Section*  
25 *34871. The legislative body shall provide by ordinance, without*  
26 *submitting the ordinance to the electors of the city for approval,*  
27 *for the election of members of the legislative body in this manner.*

28 *(b) The boundaries of the districts for the legislative body shall*  
29 *be established and adjusted in accordance with Chapter 7*  
30 *(commencing with Section 21600) of Division 21 of the Elections*  
31 *Code.*

32 *(c) For purposes for this section, “by district” has the same*  
33 *meaning as set forth in Section 34871.*

34 ~~SEC. 2.~~

35 *SEC. 3. If the Commission on State Mandates determines that*  
36 *this act contains costs mandated by the state, reimbursement to*  
37 *local agencies and school districts for those costs shall be made*

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.
- 3 ~~SEC. 3.~~
- 4 *SEC. 4.* This act shall become operative on July 1, 2015.

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