

**ASSEMBLY BILL**

**No. 278**

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**Introduced by Assembly Member Roger Hernández**

February 11, 2015

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An act to add Section 34885 to the Government Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 278, as introduced, 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 law authorizes the legislative body of a city to submit to voters at any municipal or special election an ordinance providing 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 the legislative body of a city with a population of 100,000 or more to adopt an ordinance, without submitting the ordinance to the voters of the city for approval, for the election of members of the legislative body by district. This bill would require that the boundary lines of each district be adjusted in accordance with specified provisions of law.

By requiring certain 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.

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 34885 is added to the Government Code,  
2 to read:

3 34885. (a) (1) Notwithstanding any other law, the legislative  
4 body of a city with a population of 100,000 or more shall adopt  
5 an ordinance, without submitting the ordinance to the electors of  
6 the city for approval, for the election of members of the legislative  
7 body by district as provided in subdivision (a) or (c) of Section  
8 34871.

9 (2) For purposes of this subdivision, the population of a city  
10 shall be determined by the most recent federal decennial census.

11 (b) The boundaries of the districts for the legislative body shall  
12 be established and adjusted in accordance with Chapter 7  
13 (commencing with Section 21600) of Division 21 of the Elections  
14 Code.

15 SEC. 2. If the Commission on State Mandates determines that  
16 this act contains costs mandated by the state, reimbursement to  
17 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.

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