

AMENDED IN ASSEMBLY JUNE 1, 2015

AMENDED IN ASSEMBLY APRIL 13, 2015

AMENDED IN ASSEMBLY APRIL 7, 2015

AMENDED IN ASSEMBLY MARCH 18, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 278

Introduced by Assembly Member Roger Hernández
(Principal coauthor: Assembly Member Alejo)
(Coauthor: Senator Hueso)

February 11, 2015

An act to amend Section 10010 of the Elections Code, and to add Section 34885 to the Government Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 278, 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~~ *from being* 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 general law 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. The bill would require that the boundary lines of each district be adjusted in accordance with specified provisions of existing law, ~~except as otherwise provided in this bill.~~ *law.* The bill would require ~~the legislative body to hold public hearings before and after drawing a draft map of the proposed boundaries of the districts of the legislative body, as specified. The bill would also require the legislative body to take certain actions to encourage public participation in the drawing of the proposed boundaries and would require that the proposed boundaries satisfy specified criteria.~~

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 10010 of the Elections Code is amended
- 2 to read:

1 10010. (a) A political subdivision not subject to the provisions
2 of Section 34885 of the Government Code, other than a charter
3 city, charter county, or charter city and county, that changes from
4 an at-large method of election to a district-based election shall
5 hold at least two public hearings on a proposal to establish the
6 district boundaries of the political subdivision before a public
7 hearing at which the governing body of the political subdivision
8 votes to approve or defeat the proposal.

9 (b) This section applies to, but is not limited to, a proposal that
10 is required due to a court-imposed change from an at-large method
11 of election to a district-based election.

12 (c) For purposes of this section, the following terms have the
13 following meanings:

14 (1) "At-large method of election" has the same meaning as set
15 forth in subdivision (a) of Section 14026.

16 (2) "District-based election" has the same meaning as set forth
17 in subdivision (b) of Section 14026.

18 (3) "Political subdivision" has the same meaning as set forth in
19 subdivision (c) of Section 14026.

20 SEC. 2. Section 34885 is added to the Government Code, to
21 read:

22 34885. (a) (1) Notwithstanding any other law, the legislative
23 body of a general law city with a population of 100,000 or more
24 shall adopt an ordinance, without submitting the ordinance to the
25 electors of the city for approval, for the election of members of
26 the legislative body by district as provided in subdivision (a) or
27 (c) of Section 34871.

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

30 ~~(b) Except as otherwise provided in subdivisions (e) to (f),~~
31 ~~inclusive, the~~ *The* boundaries of the districts for the legislative
32 body shall be established and adjusted in accordance with Chapter
33 7 (commencing with Section 21600) of Division 21 of the Elections
34 Code.

35 ~~(e) (1) Before drawing a draft map of the proposed boundaries~~
36 ~~of the districts for the legislative body, the legislative body shall~~
37 ~~hold at least four public hearings where the public has the~~
38 ~~opportunity to provide input. The hearings shall occur over the~~
39 ~~course of at least 30 days.~~

1 ~~(2) After the draft map of the proposed boundaries of the~~
2 ~~districts for the legislative body is drawn and published, the~~
3 ~~legislative body, before adopting the final map of the proposed~~
4 ~~boundaries, shall hold at least two public hearings in which the~~
5 ~~public has the opportunity to provide input. The hearings shall~~
6 ~~occur over the course of at least 30 days.~~

7 ~~(3) A calendar of the hearings required by paragraphs (1) and~~
8 ~~(2) shall be prepared and published at least seven days before the~~
9 ~~first hearing to allow citizens to plan their attendance.~~

10 ~~(4) The hearings required by paragraphs (1) and (2) shall do all~~
11 ~~of the following:~~

12 ~~(A) Be held in locations accessible to people with disabilities.~~

13 ~~(B) To the greatest extent possible, be held in numerous~~
14 ~~locations to maximize community participation.~~

15 ~~(C) To the greatest extent possible, be held in locations~~
16 ~~accessible by public transportation.~~

17 ~~(D) To the greatest extent possible, be held on different days of~~
18 ~~the week and at varying times to maximize community~~
19 ~~participation.~~

20 ~~(5) If requested, at least 24 hours before a hearing required by~~
21 ~~paragraph (1) or (2), the legislative body shall provide simultaneous~~
22 ~~translation of the hearing in any language that meets the~~
23 ~~requirements of subdivision (c) of Section 14201 of the Elections~~
24 ~~Code in a precinct in the city.~~

25 ~~(d) The legislative body of the city shall encourage public~~
26 ~~participation in the drawing of the boundaries of the districts for~~
27 ~~the legislative body by doing all of the following:~~

28 ~~(1) Developing an outreach and education plan, and media and~~
29 ~~social media strategy, in partnership with community organizations~~
30 ~~and individuals that advocate on behalf of, or provide services to,~~
31 ~~non-English-speaking individuals and individuals with disabilities.~~

32 ~~(2) For each hearing required by paragraph (1) or (2) of~~
33 ~~subdivision (c), publicize at least one public service announcement~~
34 ~~using a media outlet that serves English-speaking individuals for~~
35 ~~purposes of informing individuals of the boundary drawing process~~
36 ~~and the upcoming hearing date.~~

37 ~~(3) For each hearing required by paragraph (1) or (2) of~~
38 ~~subdivision (c), publicize at least one public service announcement~~
39 ~~in each language that meets the requirements of subdivision (c) of~~
40 ~~Section 14201 of the Elections Code in a precinct in the city, using~~

1 a media outlet that serves speakers of that language, for purposes
2 of informing individuals of the boundary-drawing process and the
3 upcoming hearing date.

4 ~~(4) Publish an Internet Web site that explains the~~
5 ~~boundary-drawing process and its significance, that includes notice~~
6 ~~of the hearings required by paragraphs (1) and (2) of subdivision~~
7 ~~(c), and that explains how public testimony may be submitted. The~~
8 ~~Internet Web site shall be available in each language that meets~~
9 ~~the requirements of subdivision (c) of Section 14201 of the~~
10 ~~Elections Code in a precinct in the city.~~

11 ~~(5) Provide the means for the submission of public testimony~~
12 ~~by mail, by telephone, online, and in person at the hearings required~~
13 ~~by paragraphs (1) and (2) of subdivision (c).~~

14 ~~(6) Any other outreach or publicity the legislative body~~
15 ~~determines will encourage public participation in the drawing of~~
16 ~~the boundaries of the districts for the legislative body.~~

17 ~~(e)~~

18 ~~(c) The legislative body shall ensure all of the following criteria~~
19 ~~are satisfied in preparing the boundaries of the districts for the~~
20 ~~legislative body:~~

21 ~~(1) The boundaries are drawn to ensure fair and effective~~
22 ~~representation of all city residents including racial, ethnic, and~~
23 ~~language minorities.~~

24 ~~(2) The boundaries conform to the requirements of the United~~
25 ~~States Constitution and all applicable federal and state laws.~~

26 ~~(3) The boundaries respect communities of interest.~~

27 ~~(4) The boundaries have substantially equal populations as~~
28 ~~determined by the most recent federal decennial census.~~

29 ~~(5) The boundaries are geographically compact and contiguous.~~

30 ~~(6) The boundaries are drawn without regard to the advantage~~
31 ~~or disadvantage of incumbents, challengers, or any political party.~~

32 ~~(f)~~

33 ~~(d) (1) Communications between any party and the legislative~~
34 ~~body regarding the drawing of the boundaries of the districts for~~
35 ~~the legislative body shall be disclosed to the public and maintained~~
36 ~~by the city in a publicly available log.~~

37 ~~(2) Communications related to the dissemination of the~~
38 ~~procedural information about the drawing of the boundaries of the~~
39 ~~districts for the legislative body, including, but not limited to,~~

1 communications regarding the time and place of meetings or how
2 to submit public testimony, are exempt from paragraph (1).

3 ~~(g)~~

4 (e) This section does not apply to a charter city or charter city
5 and county.

6 SEC. 3. If the Commission on State Mandates determines that
7 this act contains costs mandated by the state, reimbursement to
8 local agencies and school districts for those costs shall be made
9 pursuant to Part 7 (commencing with Section 17500) of Division
10 4 of Title 2 of the Government Code.