

Assembly Bill No. 278

CHAPTER 736

An act to amend Sections 34872, 34877, 34884, and 34886 of, and to add Sections 34876.5 and 34877.5 to, the Government Code, relating to elections.

[Approved by Governor September 28, 2016. Filed with
Secretary of State September 28, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 278, Roger Hernández. Municipal elections.

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. Existing law also authorizes such an ordinance to be submitted to the voters by means of an initiative measure. Existing law requires that the ordinance state the number of legislative districts, describe the boundaries of each, number the districts, and state the method for electing the members of the legislative body, as described above.

This bill would delete the requirement that the ordinance describe the boundaries, and number, of each legislative district and would instead require the legislative body to prepare a proposed map describing the boundaries and numbers of the legislative districts after the ordinance is passed or enacted, as specified. The bill would require a legislative body changing from a from district method of election to a by district method of election, or adjusting the district boundaries, to hold public hearings on the change or adjustments, as specified. The bill would also make numerous technical, nonsubstantive changes to these provisions.

Existing law applies certain procedures if a majority of votes on the subject of incorporating a new city are in favor of incorporation and in favor of a by district method of election, including, among other things, requiring the boundaries of the districts of the legislative body to be as nearly equal in population as possible.

This bill would also require the districts to comply with applicable provisions of the federal Voting Rights Act of 1965.

Existing law authorizes the legislative body of a city with a population of fewer than 100,000 people to adopt an ordinance that requires the members of the legislative body to be elected by district or by district with an elective mayor without submitting the ordinance for voter approval.

This bill would extend this authority to the legislative body of any city, regardless of its population.

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

SECTION 1. Section 34872 of the Government Code is amended to read:

34872. An ordinance shall state the number of legislative districts and whether members of the legislative body shall be elected by districts, from districts, by districts with an elective mayor, or from districts with an elective mayor.

SEC. 2. Section 34876.5 is added to the Government Code, to read:

34876.5. (a) If an ordinance is submitted to the voters pursuant to Section 34871, there shall be printed on the ballots substantially as follows:

“Shall members of the legislative body of the City of ____ be elected by (or from) districts?”

or, if applicable:

“Shall members of the legislative body of the City of ____ be elected by (or from) districts, and the Mayor of the City of ____ be elected on a citywide basis by the voters of the entire city?”

followed by the words “Yes” and “No,” so printed that the voters may express their choice.

(b) If a majority of the voters voting on the proposed ordinance vote in its favor, members of the legislative body shall be elected in the manner approved by the voters beginning at the first election following approval of the district boundaries pursuant to Section 34877.5, and for which the election consolidation deadlines established in the Elections Code have not passed.

SEC. 3. Section 34877 of the Government Code is amended to read:

34877. The proposition of altering legislative districts shall be printed on the ballots substantially as follows:

“Shall members of the legislative body of the City of ____ be elected by (or from) districts described in Ordinance No. ____?”

or, if applicable:

“Shall members of the legislative body of the City of ____ be elected by (or from) districts described in Ordinance No. ____, and the Mayor of the City of ____ be elected on a citywide basis by the voters of the entire city?”

followed by the words “Yes” and “No,” so printed that the voters may express their choice.

SEC. 4. Section 34877.5 is added to the Government Code, to read:

34877.5. (a) After an ordinance is passed by the voters pursuant to Section 34876.5, or after an ordinance is enacted by the legislative body pursuant to Section 34886, the legislative body shall prepare a proposed map that describes the boundaries and numbers of the districts for the legislative body. In preparing the proposed map, the legislative body may seek public input, including accepting proposed maps submitted by the public.

(b) If the legislative body is changing from an at-large method of election to a district-based election, as those terms are defined in Section 14026 of

the Elections Code, the legislative body shall hold public hearings pursuant to Section 10010 of the Elections Code. If the legislative body is otherwise adjusting the district boundaries, the legislative body shall hold public hearings on the proposed district boundaries pursuant to Section 21607 of the Elections Code.

SEC. 5. Section 34884 of the Government Code is amended to read:

34884. (a) If, at the time a vote is held on the subject of incorporation of a new city, a majority of the votes cast is for incorporation and, if, in accordance with Section 57116, a majority of the votes cast on the question of whether members of the city council in future elections are to be elected by district or at large is in favor of election by district, all of the following procedures apply:

(1) Before the first day on which voters may nominate candidates for election at the next regular municipal election, the legislative body shall, by ordinance or resolution, establish the boundaries of the districts of the legislative body. The districts shall be as nearly equal in population as may be. The districts shall comply with applicable provisions of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.), as amended. In establishing the boundaries of the districts, the legislative body may consider the following factors:

- (A) Topography.
- (B) Geography.
- (C) Cohesiveness, contiguity, integrity, and compactness of territory.
- (D) Community of interests of the districts.

(2) The terms of office of the two members elected with the lowest vote shall expire on the Tuesday succeeding the next regular municipal election. At that election, members shall be elected by district in the even-numbered districts and shall hold office for four years.

(3) The terms of office of the three members elected with the highest vote shall expire on the Tuesday succeeding the second regular municipal election following the incorporation. At that election, members shall be elected by district in the odd-numbered districts and shall hold office for four years.

(b) The result of the vote cast on the question of whether members of the city council in future elections are to be elected by district or at large shall not preclude the submission to the voters at any future election of a measure in accordance with Section 34871.

SEC. 6. Section 34886 of the Government Code is amended to read:

34886. Notwithstanding Section 34871 or any other law, the legislative body of a city may adopt an ordinance that requires the members of the legislative body to be elected by district or by district with an elective mayor, as described in subdivisions (a) and (c) of Section 34871, without being required to submit the ordinance to the voters for approval. An ordinance adopted pursuant to this section shall include a declaration that the change in the method of electing members of the legislative body is being made in furtherance of the purposes of the California Voting Rights Act of 2001

(Chapter 1.5 (commencing with Section 14025) of Division 14 of the Elections Code).

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