

AMENDED IN SENATE JUNE 1, 2016
AMENDED IN SENATE FEBRUARY 29, 2016
AMENDED IN ASSEMBLY JANUARY 4, 2016
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 350

Introduced by Assembly Member Alejo

February 17, 2015

An act to amend Section ~~14029~~ 10010 of the Elections Code, and to add Section 34887 to the Government Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 350, as amended, Alejo. ~~California Voting Rights Act of 2001: district-based municipal elections.~~ *District-based municipal elections: preapproval hearings.*

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 by districts formed within the political subdivision (district-based). Existing law requires a political subdivision, as defined, that changes from an at-large method of election to a district-based election to hold at least 2 public hearings on a proposal to establish the district boundaries of the political subdivision before a public hearing at which the governing body of the political subdivision votes to approve or defeat the proposal.

This bill would instead require a political subdivision that changes to, or establishes, district-based elections to hold public hearings before and after drawing a preliminary map or maps of the proposed district boundaries, as specified.

Because the bill would impose additional duties on local agencies, 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.

~~Existing law, the California Voting Rights Act of 2001 (CVRA), prohibits the use of an at-large election in a political subdivision if it would impair the ability of a protected class, as defined, to elect candidates of its choice or otherwise influence the outcome of an election. The CVRA provides that a voter who is a member of a protected class may bring an action in superior court to enforce the provisions of the CVRA, and, if the voter prevails in the case, the CVRA requires the court to implement appropriate remedies, including the imposition of district-based elections, that are tailored to remedy a violation of the act.~~

~~If a court imposes district-based elections in a political subdivision and the members of the governing body of that political subdivision will be elected in their districts at different times to provide for staggered terms of office, this bill would require the districts that have the largest populations of members of the protected class to elect their governing board members at the first election under the district-based election system.~~

~~Existing law generally requires all elective city offices, including the members of a city council, to be filled at large by the city electorate at a general municipal election. Existing law, at any municipal election or special election held for this purpose, authorizes the legislative body of a city to submit to the registered voters an ordinance providing for the election of members of the legislative body by district or from district, as defined, and with or without an elective mayor. Existing law also 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 being required to submit the ordinance to the voters for approval.~~

If, during the implementation of ~~by district or from district elections,~~
~~the members of the legislative body will be elected in their districts at~~
~~different times to provide for staggered terms of office, this bill would~~
~~prohibit a city from selecting district election dates for the purpose of,~~
~~or in a manner that will have the effect of, impairing 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 abridgment of the rights~~
~~of voters who are members of the protected class.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
 State-mandated local program: ~~no~~-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:
 3 10010. (a) A political subdivision that changes from an at-large
 4 method of election to a district-based ~~election~~ *election, or that*
 5 *establishes district-based elections, shall hold at least two public*
 6 ~~hearings on a proposal to establish the district boundaries of the~~
 7 ~~political subdivision prior to do all of the following before a public~~
 8 hearing at which the governing body of the political subdivision
 9 votes to approve or defeat ~~the proposal.~~ *a proposal to establish*
 10 *the district boundaries of the political subdivision:*
 11 (1) *Before drawing a draft map or maps of the proposed*
 12 *boundaries of the districts, the political subdivision shall hold at*
 13 *least two public hearings over a period of no more than thirty*
 14 *days, at which the public is invited to provide input regarding the*
 15 *composition of the districts.*
 16 (2) *After all draft maps are drawn, the political subdivision*
 17 *shall release at least one draft map and, if members of the*
 18 *governing body of a political subdivision will be elected in their*
 19 *districts at different times to provide for staggered terms of office,*
 20 *the potential sequence of the elections. The political subdivision*
 21 *shall also hold at least two additional hearings over a period of*
 22 *no more than 45 days, at which the public is invited to provide*
 23 *input regarding the content of the draft map or maps and the*
 24 *proposed sequence of elections, if applicable.*
 25 (b) *In determining the final sequence of the district elections*
 26 *conducted in a political subdivision in which members of the*
 27 *governing body will be elected at different times to provide for*

1 *staggered terms of office, the governing body shall give special*
2 *consideration to the purposes of the California Voting Rights Act*
3 *of 2001 (Chapter 1.5 (commencing with Section 14025) of Division*
4 *14 of the Elections Code), and it shall take into account the*
5 *preferences expressed by members of the districts.*

6 ~~(b)~~

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

10 ~~(e)~~

11 (d) For purposes of this section, the following terms have the
12 following meanings:

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

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

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

19 *SEC. 2. If the Commission on State Mandates determines that*
20 *this act contains costs mandated by the state, reimbursement to*
21 *local agencies and school districts for those costs shall be made*
22 *pursuant to Part 7 (commencing with Section 17500) of Division*
23 *4 of Title 2 of the Government Code.*

24 ~~SECTION 1. Section 14029 of the Elections Code is amended~~
25 ~~to read:~~

26 ~~14029. (a) Upon a finding of a violation of Section 14027 and~~
27 ~~Section 14028, the court shall implement appropriate remedies,~~
28 ~~including the imposition of district-based elections, that are tailored~~
29 ~~to remedy the violation.~~

30 ~~(b) If a court imposes district-based elections in a political~~
31 ~~subdivision pursuant to subdivision (a), and if the members of the~~
32 ~~governing body of the political subdivision will be elected in their~~
33 ~~districts at different times to provide for staggered terms of office,~~
34 ~~the districts that have the largest populations of members of the~~
35 ~~protected class shall elect their governing board members at the~~
36 ~~first election under the district-based election system.~~

37 ~~SEC. 2. Section 34887 is added to the Elections Code, to read:~~

38 ~~34887. If, during the implementation of by district or from~~
39 ~~district elections pursuant to this article, the members of the~~
40 ~~legislative body will be elected in their districts at different times~~

1 ~~to provide for staggered terms of office, a city shall not select~~
2 ~~district election dates for the purpose of, or in a manner that will~~
3 ~~have the effect of, impairing the ability of a protected class, as~~
4 ~~defined in Section 14026 of the Elections Code, to elect candidates~~
5 ~~of its choice or its ability to influence the outcome of an election,~~
6 ~~as a result of the abridgment of the rights of voters who are~~
7 ~~members of the protected class.~~

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