

AMENDED IN SENATE AUGUST 17, 2016  
AMENDED IN SENATE AUGUST 15, 2016  
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**

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**Introduced by Assembly Member Alejo**

February 17, 2015

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An act to amend Section 10010 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 350, as amended, Alejo. 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.

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 its provisions.

This bill would require a prospective plaintiff under the CVRA to first send a written notice to the political subdivision against which the action would be brought indicating that the method of election used by the political subdivision may violate the CVRA. The bill would permit the political subdivision to take ameliorative steps to correct the alleged violation before the prospective plaintiff commenced litigation, and it would stay the prospective plaintiff’s ability to file suit for a prescribed amount of time. This bill would also permit a prospective plaintiff who sent a written notice, as described, to recover from the political subdivision reasonable costs incurred in supporting the written notice.

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.

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:
- 3 10010. (a) A political subdivision that changes from an at-large
- 4 method of election to a district-based election, or that establishes
- 5 district-based elections, shall do all of the following before a public

1 hearing at which the governing body of the political subdivision  
2 votes to approve or defeat an ordinance establishing district-based  
3 elections:

4 (1) Before drawing a draft map or maps of the proposed  
5 boundaries of the districts, the political subdivision shall hold at  
6 least two public hearings over a period of no more than thirty days,  
7 at which the public is invited to provide input regarding the  
8 composition of the districts. Before these hearings, the political  
9 subdivision may conduct outreach to the public, including to  
10 non-English-speaking communities, to explain the districting  
11 process and to encourage public participation.

12 (2) After all draft maps are drawn, the political subdivision shall  
13 publish and make available for release at least one draft map and,  
14 if members of the governing body of the political subdivision will  
15 be elected in their districts at different times to provide for  
16 staggered terms of office, the potential sequence of the elections.  
17 The political subdivision shall also hold at least two additional  
18 hearings over a period of no more than 45 days, at which the public  
19 is invited to provide input regarding the content of the draft map  
20 or maps and the proposed sequence of elections, if applicable. The  
21 first version of a draft map shall be published at least seven days  
22 before consideration at a hearing. If a draft map is revised at or  
23 following a hearing, it shall be published and made available to  
24 the public for at least seven days before being adopted.

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  
28 staggered terms of office, the governing body shall give special  
29 consideration to the purposes of the California Voting Rights Act  
30 of 2001 (Chapter 1.5 (commencing with Section 14025) of Division  
31 14 of this code), and it shall take into account the preferences  
32 expressed by members of the districts.

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

36 (d) For purposes of this section, the following terms have the  
37 following meanings:

38 (1) “At-large method of election” has the same meaning as set  
39 forth in subdivision (a) of Section 14026.

1 (2) “District-based election” has the same meaning as set forth  
2 in subdivision (b) of Section 14026.  
3 (3) “Political subdivision” has the same meaning as set forth in  
4 subdivision (c) of Section 14026.  
5 (e) (1) Before commencing an action to enforce Sections 14027  
6 and 14028, a prospective plaintiff shall send by certified mail a  
7 written notice to the clerk of the political subdivision against which  
8 the action would be brought asserting that the political  
9 subdivision’s method of conducting elections may violate the  
10 California Voting Rights Act.  
11 (2) A prospective plaintiff shall not commence an action to  
12 enforce Sections 14027 and 14028 within 45 days of the political  
13 subdivision’s receipt of the written notice described in paragraph  
14 (1).  
15 (3) (A) Before receiving a written notice described in paragraph  
16 (1), or within 45 days of receipt of a notice, a political subdivision  
17 may pass a resolution outlining its intention to transition from  
18 at-large to district-based elections, ~~concrete~~ *specific* steps it will  
19 undertake to facilitate this transition, and an estimated time frame  
20 for doing so.  
21 (B) If a political subdivision passes a resolution pursuant to  
22 subparagraph (A), a prospective plaintiff shall not commence an  
23 action to enforce Sections 14027 and 14028 within 90 days of the  
24 resolution’s passage.  
25 (f) (1) If a political subdivision adopts an ordinance establishing  
26 district-based elections pursuant to subdivision (a), a prospective  
27 plaintiff who sent a written notice pursuant to subdivision (e) before  
28 the political subdivision passed its resolution of intention may,  
29 within 30 days of the ordinance’s adoption, demand reimbursement  
30 for the cost of the work product generated to support the notice.  
31 A prospective plaintiff shall make the demand in writing and shall  
32 substantiate the demand with financial documentation, such as a  
33 detailed invoice for demography services. A political subdivision  
34 may request additional documentation if the provided  
35 documentation is insufficient to corroborate the claimed costs. A  
36 political subdivision shall reimburse a prospective plaintiff for  
37 reasonable costs claimed, or in an amount to which the parties  
38 mutually agree, within 45 days of receiving the written demand,  
39 except as provided in paragraph (2). In all cases, the amount of

1 the reimbursement shall not exceed the cap described in paragraph  
2 (3).

3 (2) If more than one prospective plaintiff is entitled to  
4 reimbursement, the political subdivision shall reimburse the  
5 prospective plaintiffs in the order in which they sent a written  
6 notice pursuant to paragraph (1) of subdivision (e), and the 45-day  
7 time period described in paragraph (1) shall apply only to  
8 reimbursement of the first prospective plaintiff who sent a written  
9 notice. The cumulative amount of reimbursements to all  
10 prospective plaintiffs shall not exceed the cap described in  
11 paragraph (3).

12 (3) The amount of reimbursement required by this section is  
13 capped at \$30,000, as adjusted annually to the Consumer Price  
14 Index for All Urban Consumers, U.S. city average, as published  
15 by the United States Department of Labor.

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