

AMENDED IN SENATE JUNE 30, 1999
AMENDED IN ASSEMBLY APRIL 29, 1999
AMENDED IN ASSEMBLY MARCH 25, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 186

Introduced by Assembly Member Hertzberg

January 21, 1999

An act to amend ~~Sections 21500, 21601, and 21620 of Section 21620 of, and to add Sections 21500.1, 21601.1, and 21620.1 to,~~ the Elections Code, relating to local elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 186, as amended, Hertzberg. Local elections: districts.

Existing law requires county boards of supervisors and the city councils of general law and charter cities that elect members by or from districts following each decennial federal census, and using that census as a basis, to adjust the boundaries of the supervisorial and council districts so that the districts shall be as nearly equal in population as may be. In establishing the boundaries of the districts, the county board of supervisors or the city council of a general law city is expressly authorized by existing law to give consideration to the topography, geography, and cohesiveness, contiguity, integrity, and compactness of territory, and community of interests of the districts.

~~This bill would declare legislative intent on the protection of local communities in the redistricting process. The bill~~

would provide that in establishing the boundaries of a district of the county or of a general law charter city, the respective board or city council may give consideration to topography, geography, and cohesiveness, contiguity, integrity, and compactness of territory, and community of interests of the districts. The bill would require the county boards of supervisors to conform the boundaries, to the extent possible without violating the other provisions specified above, to the boundaries of existing cities and communities of interest. The bill would require the city council of a general law or charter city to conform the boundaries, to the extent possible without violating the other provisions specified above, to the boundaries of existing communities of interest. The bill would require that board or council the county board of supervisors or the city council of a general law city or the governing body of a charter city to hold at least one public hearing on any proposal to adjust those boundaries prior to a public hearing at which the board or council votes to approve or defeat the proposal. By creating additional duties on those local agencies in establishing the boundaries of those districts and in holding public hearings, the 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 the Legislature finds there is no mandate contained in the bill that will result in costs incurred by a local agency or school district for a new program or higher level of service which require reimbursement pursuant to these constitutional and 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. ~~With respect to Sections 2, 3, and 4 of this~~
 2 ~~act, the Legislature finds and declares that the protection~~
 3 ~~of local communities in the redistricting process is a~~
 4 ~~matter of statewide concern. Cities and counties with~~



1 ~~district elections sometimes use their power to redistrict~~
2 ~~for political purposes rather than for the benefit of their~~
3 ~~constituents and communities.~~

4 ~~The splitting of local communities through political~~
5 ~~gerrymandering has many harmful effects. Members of~~
6 ~~the same community may not know their representative~~
7 ~~because government-imposed boundaries do not~~
8 ~~conform to existing community lines. Further,~~
9 ~~communities have difficulty obtaining adequate~~
10 ~~representation and municipal services because their~~
11 ~~political force is dissipated over several districts. The~~
12 ~~effect of this disenfranchisement is to cause voters to~~
13 ~~question the integrity and legitimacy of the election~~
14 ~~process.~~

15 ~~Concern for communities, rather than politics, should~~
16 ~~be the determining factor in redistricting. Though the~~
17 ~~federal requirements of population equality and the~~
18 ~~federal Voting Rights Act of 1965 take precedence, the~~
19 ~~protection of local communities should follow as a priority~~
20 ~~in the redistricting process.~~

21 ~~SEC. 2. Section 21500 of the Elections Code is~~
22 ~~amended to read:~~

23 ~~21500. (a) Following each decennial federal census,~~
24 ~~and using that census as a basis, the board shall adjust the~~
25 ~~boundaries of any or all of the supervisorial districts of the~~
26 ~~county so that the districts shall be as nearly equal in~~
27 ~~population as may be and shall comply with the~~
28 ~~applicable provisions of the federal Voting Rights Act of~~
29 ~~1965, Section 1973 of Title 42 of the United States Code,~~
30 ~~as amended.~~

31 ~~(b) In establishing the boundaries of the districts, the~~
32 ~~board may give consideration to the following factors: (1)~~
33 ~~topography, (2) geography, and (3) cohesiveness,~~
34 ~~contiguity, integrity, and compactness of territory. To the~~
35 ~~extent possible without violating subdivision (a), in~~
36 ~~establishing the boundaries of the districts, the board shall~~
37 ~~conform the boundaries to the boundaries of existing~~
38 ~~cities and communities of interest.~~

39 ~~(c)~~



1 SECTION 1. Section 21500.1 is added to the Elections
2 Code, to read:

3 21500.1. The board shall hold at least one public
4 hearing on any proposal to adjust the boundaries of a
5 district, prior to a public hearing at which the board votes
6 to approve or defeat the proposal.

7 ~~SEC. 3. Section 21601 of the Elections Code is~~
8 ~~amended to read:~~

9 ~~21601. (a) Following each decennial federal census,~~
10 ~~and using that census as a basis, the council shall, by~~
11 ~~ordinance or resolution, adjust the boundaries of any or~~
12 ~~all of the council districts of the city so that the districts~~
13 ~~shall be as nearly equal in population as may be and shall~~
14 ~~comply with the applicable provisions of the federal~~
15 ~~Voting Rights Act of 1965, Section 1973 of Title 42 of the~~
16 ~~United States Code, as amended.~~

17 ~~(b) In establishing the boundaries of the districts, the~~
18 ~~council may give consideration to the following factors:~~
19 ~~(1) topography, (2) geography, and (3) cohesiveness,~~
20 ~~contiguity, integrity, and compactness of territory. To the~~
21 ~~extent possible without violating subdivision (a), in~~
22 ~~establishing the boundaries of the districts, the council~~
23 ~~shall conform the boundaries to the boundaries of existing~~
24 ~~communities of interest.~~

25 ~~(c)~~

26 SEC. 2. Section 21601.1 is added to the Elections
27 Code, to read:

28 21601.1. The council shall hold at least one public
29 hearing on any proposal to adjust the boundaries of a
30 district prior to a public hearing at which the council
31 votes to approve or defeat the proposal.

32 ~~SEC. 4.~~

33 SEC. 3. Section 21620 of the Elections Code is
34 amended to read:

35 21620. ~~(a)~~ If the members of the governing body of
36 a chartered city are nominated or elected “by districts”
37 or “from districts,” as defined in Section 34871 of the
38 Government Code, upon the initial establishment
39 thereof, the districts shall be as nearly equal in population
40 as may be according to the latest federal decennial census



1 or, if the city’s charter so provides, according to the
 2 federal mid-decade census or the official census of the
 3 city, as provided for pursuant to Chapter 17
 4 (commencing with Section 40200) of Part 2 of Division 3
 5 of Title 4 of the Government Code, as the case may be.
 6 After the initial establishment of the districts, the districts
 7 shall continue to be as nearly equal in population as may
 8 be according to the latest federal decennial census or, if
 9 authorized by the charter of the city, according to the
 10 federal mid-decade census. The districts shall comply
 11 with the applicable provisions of the federal Voting
 12 Rights Act of 1965, Section 1973 of Title 42 of the United
 13 States Code, as amended.

14 ~~(b) To the extent possible without violating~~
 15 ~~subdivision (a), in establishing the boundaries of the~~
 16 ~~districts, the council shall conform the boundaries to the~~
 17 ~~boundaries of existing communities of interest.~~

18 ~~(e) The council States Code, as amended. In~~
 19 ~~establishing the boundaries of the districts, the council~~
 20 ~~may give consideration to the following factors: (1)~~
 21 ~~topography, (2) geography, (3) cohesiveness, contiguity,~~
 22 ~~integrity, and compactness of territory, and (4)~~
 23 ~~community of interest of the districts.~~

24 SEC. 4. Section 21620.1 is added to the Elections
 25 Code, to read:

26 21620.1. The governing body shall hold at least one
 27 public hearing on any proposal to adjust the boundaries
 28 of a district prior to a public hearing at which the council
 29 votes to approve or defeat the proposal.

30 SEC. 5. Pursuant to Section 17579 of the Government
 31 Code, the Legislature finds that there is no mandate
 32 contained in this act that will result in costs incurred by
 33 a local agency or school district for a new program or
 34 higher level of service which require reimbursement
 35 pursuant to Section 6 of Article XIII B of the California
 36 Constitution and Part 7 (commencing with Section
 37 17500) of Division 4 of Title 2 of the Government Code.

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