

**ASSEMBLY BILL**

**No. 778**

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**Introduced by Assembly Member Vincent**

February 24, 1999

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An act to amend Sections 34871, 34872, 34873, 34877, 34878, 34880, 34881, and 34884 of, and to amend the heading of Article 2 (commencing with Section 34870) of Chapter 4 of Part 1 of Division 2 of, the Government Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 778, as introduced, Vincent. Elections: city council districts.

Existing law provides generally for the election of city council members by district, that is by the voters of each district alone, or for the election of city council members 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 city council members by district to election from districts or vice versa.

This bill would require that the election of city council members be only by districts, not from districts, and would make conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

1 SECTION 1. Article 2 (commencing with Section  
2 34870) of Chapter 4 of Part 1 of Division 2 of the  
3 Government Code is amended to read:

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5 Article 2. Election of Legislative Body By ~~or From~~  
6 Districts in Cities

7 SEC. 2. Section 34871 of the Government Code is  
8 amended to read:

9 34871. ~~At any municipal election, or special election~~  
10 ~~held for that purpose, the~~ *The* legislative body may  
11 ~~submit to the registered voters an ordinance providing~~  
12 *shall provide by ordinance* for the election of members of  
13 the legislative body in ~~any~~ *either* of the following ways:

14 (a) By districts in five, seven, or nine districts.

15 (b) ~~From districts in five, seven, or nine districts.~~

16 (e) ~~By~~ By districts in four, six, or eight districts, with an  
17 elective mayor pursuant to Article 5 (commencing with  
18 Section 34900).

19 (d) ~~From districts in four, six, or eight districts, with an~~  
20 ~~elective mayor pursuant to Article 5 (commencing with~~  
21 ~~Section 34900).~~

22 The term “by districts” as used in this article shall mean  
23 election of members of the legislative body by voters of  
24 the district alone. ~~The term “from districts” shall mean~~  
25 ~~election of members of the legislative body who are~~  
26 ~~residents of the district from which they are elected by~~  
27 ~~the voters of the entire city.~~ “Geographical area making  
28 up the district” shall ~~in the case of elections by district~~  
29 ~~mean the district, and in the case of elections from~~  
30 ~~districts shall mean the entire city except with respect to~~  
31 ~~the residence requirements imposed by Section 34882.~~

32 That ordinance may also be qualified for the ballot by  
33 means of an initiative measure in accordance with  
34 Chapter 3 (commencing with Section 9200) of Division  
35 9 of the Elections Code.

36 SEC. 3. Section 34872 of the Government Code is  
37 amended to read:



1 34872. The ordinance shall state the number of  
2 legislative districts, describe the boundaries of each, *and*  
3 number them, ~~and state whether members of the~~  
4 ~~legislative body shall be elected by districts or from~~  
5 ~~districts, or by or from districts except for an elective~~  
6 ~~mayor.~~

7 SEC. 4. Section 34873 of the Government Code is  
8 amended to read:

9 34873. An ordinance enacted pursuant to this article  
10 may be amended or repealed in the same manner *to*  
11 *change the number of districts consistent with Section*  
12 *34871;—provided. However,* the term of office of any  
13 councilman elected shall not be affected.

14 SEC. 5. Section 34877 of the Government Code is  
15 amended to read:

16 34877. The proposition of establishing or altering  
17 legislative districts shall be printed on the ballots  
18 substantially as follows:

19 “Shall members of the legislative body of the City of  
20 \_\_\_\_ be elected by ~~(or from)~~ districts described in  
21 Ordinance No. \_\_\_\_?”

22 or, if applicable:

23 “Shall members of the legislative body of the City of  
24 \_\_\_\_ be elected by ~~(or from)~~ districts described in  
25 Ordinance No. \_\_\_\_, and the Mayor of the City of  
26 \_\_\_\_ be elected on a citywide basis by the voters of  
27 the entire city?”

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

30 SEC. 6. Section 34878 of the Government Code is  
31 amended to read:

32 34878. If a majority of the registered voters of the city,  
33 who vote, vote in favor of the ordinance, at the expiration  
34 of the terms of office of the members of the legislative  
35 body, or as provided by ordinance, members of the  
36 legislative body shall be elected by ~~(or from)~~ the districts  
37 described, or by ~~or from~~ districts with an elective mayor,  
38 and in the manner provided.

39 SEC. 7. Section 34880 of the Government Code is  
40 amended to read:



1 34880. (a) If the petition for incorporation of a city  
 2 provides for the election of members of the legislative  
 3 body by ~~(or from)~~ districts and includes substantially the  
 4 provisions required to be included in an ordinance  
 5 providing for ~~such~~ *that* election, the members of the  
 6 legislative body shall be elected in the manner provided  
 7 in the petition.

8 (b) The members of the legislative body shall hold  
 9 office until the next general municipal election. At the  
 10 next general municipal election the members elected by  
 11 or from the even-numbered districts shall hold office for  
 12 four years and the members elected by ~~or from~~ the  
 13 odd-numbered districts shall hold office for two years.  
 14 Thereafter the term of office is four years.

15 SEC. 8. Section 34881 of the Government Code is  
 16 amended to read:

17 34881. One member of the legislative body shall be  
 18 elected by ~~or from~~ each district, or, if applicable, one  
 19 member of the legislative body shall be elected by ~~or from~~  
 20 each district constituting a geographical division of the  
 21 city, and the mayor shall be elected on a citywide basis.  
 22 With the possible exception as to the number of members  
 23 of the legislative body, the officers of the city remain the  
 24 same.

25 SEC. 9. Section 34884 of the Government Code is  
 26 amended to read:

27 34884. If, at the time a vote is held on the subject of  
 28 incorporation of a new city, a majority of the votes cast is  
 29 for incorporation ~~and, if, in accordance with Section~~  
 30 ~~35258, a majority of the votes cast on the question of~~  
 31 ~~whether members of the city council in future elections~~  
 32 ~~are to be elected by district or at large is in favor of~~  
 33 ~~election by district~~, the following procedure shall apply:

34 (a) Prior to the first day on which voters may  
 35 nominate candidates for election at the next regular  
 36 municipal election, the legislative body shall, by  
 37 ordinance or resolution, establish the boundaries of the  
 38 councilmanic districts. The districts shall be as nearly  
 39 equal in population as may be. In establishing the  
 40 boundaries of the districts, the legislative body may give



1 consideration to the following factors: (1) topography,  
2 (2) geography, (3) cohesiveness, contiguity, integrity,  
3 and compactness of territory, and (4) community of  
4 interests of the districts;

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

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

17 ~~The result of the vote cast on the question of whether~~  
18 ~~members of the city council in future elections are to be~~  
19 ~~elected by district or at large shall not preclude the~~  
20 ~~submission to the voters at any future election of a~~  
21 ~~measure in accordance with the provisions of Section~~  
22 ~~34871.~~

