

Date of Hearing: April 24, 2019

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT
Cecilia Aguiar-Curry, Chair
AB 849 (Bonta) – As Amended April 11, 2019

SUBJECT: Elections: local redistricting.

SUMMARY: Makes significant changes to, and generally standardizes, the redistricting process for local governments following each federal decennial census. Specifically, **this bill:**

- 1) Requires counties, cities, special districts, school districts, community college districts, and county boards of education, following each federal decennial census, to adopt the boundaries of districts or trustee areas (districts) within their jurisdictions pursuant to the provisions of this bill.
- 2) Requires the districts to be substantially equal in population as determined by the census, as specified.
- 3) Prohibits inmates of a state correctional facility from being counted in the jurisdiction's population, except for those inmates whose last known place of residence can be assigned to a census block in the jurisdiction, as specified.
- 4) Requires each jurisdiction to adopt district boundaries that comply with the United States and California Constitutions, and the federal Voting Rights Act (VRA).
- 5) Requires each jurisdiction to adopt district boundaries using the following criteria in the following order of priority:
 - a) Requires districts to be geographically contiguous to the extent practicable, as specified;
 - b) Requires the geographic integrity of any local neighborhood or community of interest to be respected the extent practicable, as specified. A "community of interest" is a population that shares common social or economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest do not include relationships with political parties, incumbents, or political candidates;
 - c) Requires, for counties and special districts, the geographic integrity of a city to be respected in a manner that minimizes its division, to the extent practicable;
 - d) Provides that district boundaries should be easily identifiable and understandable by residents, and requires such boundaries to follow natural and artificial barriers to the extent practicable, as specified; and,
 - e) Requires district boundaries to be drawn to encourage geographical compactness, as specified, to the extent practicable and where doing so does not conflict with higher-ranked criteria.
- 6) Prohibits jurisdictions from adopting districts for the purpose of favoring or discriminating against a political party.

- 7) Requires jurisdictions to assign district numbers or letters in a manner that results in the greatest number of residents possible ending up in a district that shares the same number or letter as the resident's old district area number or letter, except as specified.
- 8) Establishes the following timelines and deadlines for jurisdictions to adjust district boundaries in the year following the decennial census:
 - a) Prohibits a jurisdiction from adopting district boundaries before August 31 of the year following the census, but allows hearings or workshops to be held beforehand as long as district boundaries are not adopted before this date; and,
 - b) Requires district boundaries to be adjusted no later than 151 days before the jurisdiction's next regular election occurring after March 1 of the second year following the census (i.e., a year ending in the number "2").
- 9) Requires, if a jurisdiction fails to adopt district boundaries by the deadline, the chief legal officer of the jurisdiction to petition the superior court in the county for an order adopting district boundaries. A resident may petition the court if the legal officer fails to do so within five days after the deadline.
- 10) Requires the court to adopt boundaries using the criteria specified in 1) through 7), above, and requires the new boundaries to be used in the agency's next regular election. The court may order the adjustment of deadlines as necessary to implement the new boundaries.
- 11) Permits the court to appoint a special master to assist the court in adopting boundaries, and requires the jurisdiction to pay for the cost of the special master.
- 12) Requires the court or the special master to hold one or more public hearings before the superior court adopts district boundaries.
- 13) Requires the district boundaries adopted by the superior court to be immediately effective in the same manner as if the court's order were an enacted resolution or ordinance of the jurisdiction, as specified.
- 14) Requires a jurisdiction to comply with the following public hearing requirements:
 - a) In a jurisdiction with a population of fewer than 50,000 residents, a minimum of four hearings, subject to the following conditions:
 - i) At least two hearings before the jurisdiction draws a draft map of proposed district boundaries, one of which can be a public workshop, and at least two hearings after drawing a draft map;
 - ii) At least one hearing must be held on a weekend, or after 6 p.m. on a weekday;
 - b) In a jurisdiction with a population of 50,000 – 99,999 residents, a minimum of five hearings, subject to the following conditions:
 - i) At least two hearings before the jurisdiction draws a draft map, one of which can be a public workshop, and at least three hearings after drawing a draft map;

- ii) At least one hearing must be held in a different geographic area to ensure meetings are accessible to diverse communities within the jurisdiction; and,
 - iii) At least two hearings must be held on a weekend, or after 6 p.m. on a weekday;
- c) In a jurisdiction with a population of 100,000 residents or more, a minimum of six hearings, subject to the following conditions:
- i) At least two hearings before the jurisdiction draws a draft map, one of which can be a public workshop, and at least four hearings after drawing a draft map;
 - ii) At least two hearings must be held in a different geographic area to ensure meetings are accessible to diverse communities within the jurisdiction; and,
 - iii) At least three hearings must be held on a weekend, or after 6 p.m. on a weekday;
- d) Requires hearing buildings to be accessible to persons with disabilities; and,
- e) Requires a hearing to be noticed for and to begin at a fixed time if it is consolidated with a regular or special meeting of the jurisdiction that includes other substantive agenda items.
- 15) Requires a jurisdiction to comply with the following outreach, language assistance, and public notice requirements:
- a) Requires the jurisdiction to encourage residents, including those in underrepresented and non-English speaking communities, to participate in the process, including the following:
 - i) Providing information in English and other languages in which the jurisdiction is required to provide language assistance pursuant to state or federal law, as specified;
 - ii) Providing information through good government, civil rights, civic engagement, or community groups or organizations that are active in the jurisdiction, including those active in language minority communities;
 - b) Requires the jurisdiction to arrange live translation of any public hearing or workshop into a language in which the jurisdiction is required to provide language assistance, as specified, if a request is made at least 72 hours before the hearing or workshop;
 - c) Requires the agenda for any public hearing or workshop to be published on the internet at least five days before the hearing or workshop. However, if there are fewer than 172 days until the jurisdiction's next regular election, the jurisdiction may publish the agenda on the internet for at least three days before the hearing or workshop;
 - d) Requires the first version of a draft map of district boundaries to be published on the internet at least seven days before being considered at a hearing. A draft map that is revised, as specified, may be published on the internet for at least seven days before being adopted by the jurisdiction, unless there are fewer than 172 days until the

- jurisdiction's next regular election, in which case the draft must be published for at least three days;
- e) Requires each draft map prepared by the jurisdiction to be accompanied by specified demographic information that the jurisdiction has about the proposed districts;
 - f) Requires the public to be allowed to submit testimony or draft maps in writing and electronically;
 - g) Requires all hearings to be audio- or video-recorded, and made available on the internet within 72 hours of the hearing;
 - h) Requires the jurisdiction to create and maintain a webpage during the redistricting process, and for at least 10 years thereafter. The webpage must include, or link to, the following information:
 - i) An explanation of the redistricting process for the jurisdiction, in English and any other languages in which the jurisdiction is required to provide language assistance;
 - ii) The procedures for public testimony during a hearing, and for submitting written testimony to the agency, in English and other languages in which the jurisdiction is required to provide language assistance;
 - iii) A calendar of hearings and workshop dates;
 - iv) The notice and agenda for each hearing and workshop;
 - v) The audio- or video-recording and adopted minutes of each hearing;
 - vi) Each draft map considered by the agency at a hearing; and,
 - vii) The adopted map of district boundaries and a report required by this bill explaining how the jurisdiction made its decisions in achieving compliance with this bill's required criteria.
- 16) Provides that if the boundaries of a city or special district expand as the result of the addition of new territory, the new territory shall be added to the nearest district without changing the boundaries of the other districts. However, new boundaries may be adopted if both of the following conditions are met:
- a) There are more than four years until the next scheduled redistricting; and,
 - b) The population of the new territory being added is greater than 25% of the jurisdiction's population, as specified.
- 17) Prohibits a county, city, or special district, after districting or redistricting, from adopting new district boundaries until after the next federal census, except as follows:

- a) If a court orders the jurisdiction to redistrict;
 - b) If the jurisdiction is settling a legal claim that its district boundaries violate the United States Constitution, the VRA, or relevant provisions of state law; or,
 - c) If the boundaries of the jurisdiction change by the addition or subtraction of territory, pursuant to 16), above.
- 18) Requires the jurisdiction responsible for adopting district boundaries to issue a report within two weeks of adopting final boundaries that explains the basis on which the jurisdiction made its decisions in achieving compliance with the criteria specified in this bill.
- 19) Provides, in the case of a county, city, or special district, that this bill shall not be interpreted to limit the discretionary remedial authority of any federal or state court.
- 20) Provides that the following provisions of this bill do not apply to a charter city, as specified:
- a) The criteria for adopting district boundaries, if the city has adopted redistricting criteria in its city charter;
 - b) The deadlines for redistricting, if the city has adopted a different deadline by ordinance or in its charter;
 - c) The provisions governing the adjustment of boundaries when a city adds territory, if the city has adopted a different standard by ordinance or in its charter;
 - d) The provisions prohibiting mid-cycle redistricting, if the city has adopted different rules for mid-cycle redistricting in its charter;
 - e) The provisions governing instances when a city fails to redistrict by its deadline, if the city has adopted in its charter a different method for adopting district boundaries when it misses a redistricting deadline.
- 21) Specifies that the provisions of this bill regarding public hearings, outreach, language assistance, and public notice requirements do not apply when a jurisdiction transitions from at-large elections to district-based elections.
- 22) Makes corresponding and conforming changes.

EXISTING STATE LAW:

- 1) Establishes rules that counties, cities, county boards of education, community college districts, and school districts must follow when they adopt or adjust the boundaries of electoral districts used to elect members of the jurisdictions' governing bodies, as follows:
 - a) **Criteria.** Generally requires districts to have equal populations and allows, but does not require, counties, cities, special districts, and county boards of education to consider topography; geography; cohesiveness, contiguity, integrity, and compactness of territory; and, communities of interest when establishing or adjusting district boundaries.

- b) **Mid-Decade Redistricting.** Allows most types of governmental entities, after adjusting district boundaries following the decennial census, to adjust those boundaries again before the next decennial census, subject to certain conditions.
 - c) **Deadlines.** Establishes varying deadlines for a jurisdiction to adopt district boundaries following the decennial census, depending on the type of governmental entity. State law generally provides that jurisdictional boundary changes must occur at least 125 days before an election in order to be effective for that election.
 - d) **Failure to Redistrict.** Specifies varying remedies in situations where a jurisdiction fails to adjust district boundaries by the required deadline following the decennial census, depending on the type of governmental entity. This includes electing governing board members at-large, instead of by districts. For some governmental entities, existing law does not specify a remedy if the jurisdiction fails to adjust district boundaries as required.
 - e) **Public Hearings.** Requires most types of governmental entities to hold at least one public hearing on a proposal to adjust district boundaries prior to the hearing at which the jurisdiction votes to approve or defeat the proposal.
- 2) Requires the Secretary of State, by January 1 of each year in which the Governor is elected, to determine the precincts where three percent or more of the voting age residents are members of a single language minority and lack sufficient skills in English to vote without assistance. Requires county elections officials, for each specified precinct, to provide a facsimile ballot and related instructions in the specified language or languages, as specified.
 - 3) Requires the California Department of Corrections and Rehabilitation (CDCR) to furnish information to the Legislature and the Citizens Redistricting Commission (CRC) about the last known pre-incarceration place of residence of inmates incarcerated in state correctional facilities on the day of the decennial federal census. Requires the Legislature, in coordination with the CRC, to ensure that the information provided by CDCR is included in a specified computerized database that is used for redistricting. Requests the CRC to use this information to deem each person incarcerated in a CDCR facility as residing at his or her last known place of residence, rather than at the institution of his or her incarceration, when carrying out its redistricting responsibilities.

EXISTING FEDERAL LAW:

- 1) Requires a state or a political subdivision of a state to provide voting materials in the language of a minority group when that group within the jurisdiction has an illiteracy rate that is higher than the national illiteracy rate, and the number of the United States citizens of voting age in that language group within the jurisdiction meets at least one of the following:
 - a) Numbers more than 10,000;
 - b) Makes up more than five percent of all voting age citizens; or,
 - c) On an Indian reservation, exceeds five percent of all reservation residents.

- 2) Defines language minorities or language minority groups, for the purposes of the above provisions, to mean persons who are American Indian, Asian American, Alaskan Natives, or of Spanish heritage.

FISCAL EFFECT: This bill is keyed fiscal and contains a state-mandated local program.

COMMENTS:

- 1) **Author’s Statement.** According to the author, “Redistricting is of crucial importance to local democracy. How county supervisor, city council, school board, and other local government election districts are drawn can help determine, for the next decade, whether or not a community will be represented at their closest levels of government. Unfortunately, unlike State redistricting, there are very few requirements on local redistricting to ensure the process is fair and transparent and that the public, and especially underrepresented communities, are engaged in the process. California law also provides obsolete rules for local redistricting – on matters including timing, public hearing requirements, and redistricting criteria – that undermine the goal of fair representation.

“This is especially problematic because local government is already highly unrepresentative. According to a 2015 NALEO study, only 10% of county supervisors and 15% of city councilmembers are Latino, despite the fact that 40% of Californians are Latino. We are thus heading into a 2020 redistricting cycle where unrepresentative boards will be redrawing election districts with no criteria to ensure fair representation and with few requirements to engage their residents and communities, and especially non-English-speaking communities, in the process.

“AB 849, the FAIR MAPS Act, reforms the local redistricting process to address these problems in three crucial ways: First, AB 849 reforms the criteria for local redistricting to minimize the possibility of gerrymandering and to ensure that communities and neighborhoods are kept whole as much as possible. When a community is fractured across multiple districts, its voting power is diluted. This results in local officials who are less representative and accountable. Unfortunately, under current law, local governments “may” – but are not required to – consider communities of interest in redistricting. Instead, this bill would establish mandatory, ranked redistricting criteria, modeled off the State redistricting criteria, so that keeping communities intact is actually prioritized. The bill also cleans up ambiguous criteria from our code and, for the first time, bans partisan gerrymandering at the local level. The latter is crucial to the integrity of our local democracy and better aligns with our State Constitution, which already requires that local elections be officially nonpartisan.

“Second, AB 849 provides important procedural and transparency safeguards, so that the public can better participate in their local redistricting process. AB 849 requires that a local jurisdiction hold a minimum of four public hearings before approving a new district map. For larger jurisdictions, the hearings must be held in different areas of the jurisdiction and at different times of day, so that all residents, including those with work and family obligations, have the opportunity to participate. The bill requires local governments to engage in basic community outreach, so that diverse communities are aware of the process and its importance, and requires local governments to offer live-translation at public hearings upon request, so that language is not a barrier to advocating for fair districts. Finally, the bill requires substantially more transparency in the process, including requirements that public

hearing dates and redistricting materials be published online. Draft maps, in particular, would have to be published online for at least 7 days to prevent secretly-developed maps being unveiled and adopted at the last minute.

“Finally, AB 849 makes a number of timing changes, to better align local redistricting deadlines with the deadline for state redistricting and the new March primary elections. The bill requires local governments to complete redistricting at least five months before their next local election after the publication of census data, which will give many local governments more time to redistrict than under current law. The bill also removes the indefensible remedies in current law for when local governments miss the redistricting deadline – like general law cities counterintuitively and unhelpfully reverting to at-large elections. Instead, jurisdictions that do not meet their redistricting deadlines will have a court adopt new district boundaries, the same alternative procedure that is in place for state and congressional redistricting.

“AB 849 demonstrates our State’s commitment that representative and inclusive democracy matters at all levels of government, including local. Collectively, these reforms will result in a redistricting process that is fairer to California’s diverse communities, more transparent, better organized, and more consistently-applied across all local governments.”

- 2) **Background.** State laws governing redistricting for local agencies vary depending on the level of government. Different rules apply to school districts and community college districts than those that apply to cities. Similarly, different rules apply to counties than to special districts. Notwithstanding these differences, many of the local redistricting rules are similar: the criteria required to be used when drawing district lines is very similar for counties, cities, special districts, and county boards of education. Most local jurisdictions are required to hold at least two public hearings when adjusting district boundaries. Other local redistricting rules vary much more significantly. For example, a variety of different deadlines apply for local jurisdictions to adopt boundaries.

While the Legislature has approved bills in recent years to permit local jurisdictions to create redistricting commissions, the rules that govern the redistricting process itself generally have not been changed in years or even decades. The criteria that must be used for drawing county supervisorial districts, for example, has largely been unchanged since at least 1947 (the only notable change since that time was an update to state law to require that supervisorial districts comply with the VRA).

- 3) **Bill Summary.** This bill substantially changes the procedures and other rules that apply to local redistricting following each federal decennial census and generally standardizes these requirements across all types of local agencies. The provisions of this bill apply to counties, cities, special districts, school districts, community college districts, and county boards of education. Among its many provisions, this bill requires the following:
 - a) **Criteria for District Boundaries.** This bill requires local jurisdictions to adopt district boundaries using specified criteria in order of priority. To the extent practicable, districts must be geographically contiguous and compact and must respect the geographic integrity of any local neighborhood or community of interest, which expressly does not include relationships with political parties, incumbents, or political candidates. The bill

prohibits jurisdictions from adopting districts for the purpose of favoring or discriminating against a political party.

- b) **Public Hearings.** This bill increases the public hearing requirements when local jurisdictions redistrict. Depending on the population of a jurisdiction, at least four and as many as six public hearings must be held, before and after draft maps are drawn. At least one and as many as three of these hearings must be held on a weekend or after 6 pm on a weekday. In jurisdictions with more than 50,000 residents, at least one and as many as two hearings must be held in a different geographic area to ensure meetings are accessible to diverse communities within the jurisdiction. A workshop may substitute for a hearing held before draft maps are drawn. If requested 72 hours in advance, a local jurisdiction must provide live translations of hearings into any language in which the jurisdiction is required to provide language assistance under state and federal law. All hearings must be audio- or video-recorded, and made available on the internet within 72 hours.
- c) **Public Outreach and Information.** This bill requires local jurisdictions to encourage residents, including those in underrepresented and non-English speaking communities, to participate in the process. Jurisdictions must provide information in English and other languages in which the jurisdiction is required to provide language assistance pursuant to state or federal law. Each jurisdiction must provide information through good government, civil rights, civic engagement, or community groups or organizations that are active in the jurisdiction, including those active in language minority communities.

The agenda for any public hearing or workshop must be published on the internet at least five days before the hearing or workshop, with an exception if there is less than 172 days until the agency's next regular election. The first version of a draft map of district boundaries must be published on the internet at least seven days before being considered at a hearing, and revised maps generally must also be published on the internet for at least seven days before being adopted by the jurisdiction. Draft maps prepared by a jurisdiction must be accompanied by specified demographic information, and the public must be allowed to submit testimony or draft maps in writing and electronically.

Each jurisdiction must create and maintain a webpage during the redistricting process, and for at least 10 years thereafter, which must include, or link to, the following information:

- i) An explanation of the redistricting process for the jurisdiction, in English and any other languages in which the jurisdiction is required to provide language assistance;
- ii) The procedures for public testimony during a hearing, and for submitting written testimony to the agency, in English and other languages in which the jurisdiction is required to provide language assistance;
- iii) A calendar of hearings and workshop dates, the notice and agenda for each hearing and workshop, and the audio- or video-recording and adopted minutes of each hearing; and,

iv) Each draft map considered by the agency at a hearing, the map of district boundaries actually adopted, and a report explaining how the jurisdiction made its decisions in achieving compliance with the bill's required criteria.

- d) **Timelines and Remedies.** This bill prohibits a jurisdiction from adopting district boundaries before August 31 of the year following the census, but allows hearings or workshops to be held beforehand as long as district boundaries are not adopted before this date. District boundaries must be adjusted no later than 151 days before the jurisdiction's next regular election occurring after March 1 of the second year following the census. If a jurisdiction fails to adopt district boundaries by the deadline, the chief legal officer of the jurisdiction must petition the superior court in the county for an order adopting district boundaries. A resident may petition the court if the legal officer fails to do so within five days after the deadline. The bill specifies timelines and procedures by which the court must adopt district boundaries.

This bill is sponsored by California Common Cause, Asian Americans Advancing Justice - California, Mi Familia Vota, LULAC, and the League of Women Voters of California.

- 4) **Related Legislation.** AB 1724 (Salas) requires general law cities and counties to establish independent redistricting commissions that are modeled after the CRC, as specified. This bill is pending in the Elections and Redistricting Committee.

SB 139 (Allen), requires a county with a population of more than 250,000 residents to establish an independent redistricting commission to adopt the county's supervisorial districts following each federal decennial census. This bill is pending in the Senate Governance and Finance Committee.

- 5) **Previous Legislation.** SB 1018 (Allen), Chapter 462, Statutes of 2018, allowed school, community college, and special districts to establish redistricting commissions, allowed local jurisdictions to establish hybrid redistricting commissions, and modified the conditions for individuals who are allowed to serve on independent redistricting commissions.

SB 1108 (Allen), Chapter 784, Statutes of 2016, allowed a county or a general law city to establish a redistricting commission, subject to certain conditions.

- 6) **Double-Referral.** This bill was heard by the Elections and Redistricting Committee on April 10, 2019, where it passed with a 5-2 vote.
- 7) **Arguments in Support.** California Common Cause, co-sponsor of this bill, writes, "AB 849 establishes fair criteria for redistricting that puts neighborhoods and communities first; adds outreach and hearing requirements so that all residents – including working and non-English-speaking Californians – can have a say in how their districts are drawn; and modifies the timing of local redistricting to better align with the moving up of the State Primary. If enacted, AB 849 would be one of the most meaningful reforms of the local redistricting process in the past several decades.

"Redistricting is one of the most important processes of our democracy. How election districts are drawn has the power to determine, for the next decade, whether a community will be empowered and have its voice heard in government – or feel disenfranchised. When it comes to state legislative and Congressional redistricting, California is a national model.

The state Citizens Redistricting Commission – with its transparent process, commitment to genuine public engagement, and application of fair and clear criteria – has been praised by reformers and academics alike for keeping communities intact and eliminating partisan bias in redistricting.

“However, in strong contrast, when it comes to local redistricting, there are only minimal transparency and public outreach requirements and no mandatory criteria other than equal population. As a result, many communities never engage with, or feel excluded from, the local redistricting process. The weakness of our local redistricting laws also enables racially-discriminatory, partisan, and pro-incumbent gerrymandering to persist at the local level in California.

“Current laws governing local redistricting are often obsolete, illogical, and inconsistent with the goal of promoting fair representation. For example, unlike for state and congressional redistricting, there is no criteria requiring that that neighborhoods and communities be kept intact where possible, or even prohibiting partisan gerrymandering. In fact, even basic redistricting criteria, like contiguity, are listed as discretionary considerations, and as a consequence are sometimes ignored. District maps can be introduced and adopted at the same meeting without first being published and shared with the public, depriving affected communities of the opportunity to comment on how these lines will affect them. And, despite the democratic importance of this once-per-decade process, there is no public outreach requirement, including to non-English-speaking communities who are less likely to be aware of the process. The remedies for when redistricting fails to occur are also perplexing and sometimes at odds with the remainder of state public policy: for example, general law cities that fail to redistrict on-time must revert to holding at-large elections, which could have very negative consequences for minority representation.

“With the 2020 Census around the corner, it is time to provide clearer standards to guide local redistricting...Fair local redistricting benefits all Californians. It strengthens political accountability, promotes trust in government, and makes for a more inclusive and representative democracy.”

- 8) **Arguments in Opposition.** The League of California Cities, the California Special Districts Association, the Association of California School Administrators, and the City Clerks Association of California, in opposition, state, “AB 849 will require every county, city, special district, school district, community college district, and county board of education to completely overhaul their entire process for establishing new election district boundaries and modifying existing ones...AB 849 mandates that each local agency dependent on population size hold up to 6 public meetings, in different locations within their jurisdiction. Roughly half of these meetings must take place in the evenings and on the weekends which will result in overtime for employees required to staff the meetings. Considering there are 58 counties, 482 cities, 977 school districts and approximately 2,000 special districts, there is going to be more redistricting meetings than the public could possibly attend. For example, when taking into account the number of special districts and school boards within a large city or county, local agencies will potentially host hundreds of meetings simultaneously, competing with each other for locations and will likely have to expend significant taxpayer dollars in employee overtime, rental space and equipment...”

“California local agencies adhere to the most rigorous transparency requirements established by Ralph M. Brown Act (Brown Act). The League of Cities was the Sponsor of the Brown Act and supports legislation that conforms to the intent of the Act. The Brown Act clearly states that all posting and notices for meetings require a 72 hour notice. Although local jurisdictions at times struggle to comply with such a short timeline we understand that we must conduct the public’s business with full disclosure and engagement. However, AB 849 compounds this requirement by establishing inconsistent posting requirements that *still* exceed the Brown Act...

“Currently, Federal and California courts have made clear in a series of rulings that considering where elected officials live and attempting to avoid pairings is an acceptable consideration...California election law codifies judicial precedent, specifically in section 21601(b) which provides a list of factors that ‘*may*’ be considered, so it does not limit or bar the consideration of other criteria such as where elected officials live. AB 849 replaces ‘*may*’ with ‘*shall*’, further listing ‘*to the extent practicable*’ which provides no flexibility for local jurisdictions by effectively eliminating consideration of any other variables that need to be taken into consideration such as expected future population growth...

“This bill appears to be a solution in search of a problem. In 2016, Senate Bill 1108 authorized all California cities and counties to create independent citizens commissions to redraw district lines. However, rather than allow those independent commissions to be established and determine the amount of public meetings they need to accomplish their goals and meet the needs of their communities, this bill strips local control and mandates how every type of local government must outreach to their own communities.

“Unfortunately, the requirements AB 849 will create unworkable confusion and implementation challenges for thousands of local government agencies, remove virtually all local discretion on essentially every aspect of how an agency can establish, adopt and redraw electoral boundaries – resulting in hundreds of millions of dollars of mandates which will either be unfunded or suspended by the State. For years our organizations individually and collectively have worked in good faith with the sponsors of this measure on issues pertaining to the California Voting Rights Act, California Public Records Act as well as a variety of other elections issues and transparency issues. Rather than pursue an adversarial measure that completely upends the entire process by which our local agencies establish boundaries, our organizations would be willing to work in a collaborative manner to find ways to address concerns.”

REGISTERED SUPPORT / OPPOSITION:

Support

Asian Americans Advancing Justice – California [CO-SPONSOR]
California Common Cause [CO-SPONSOR]
League of Women Voters of California [CO-SPONSOR]
LULAC [CO-SPONSOR]
Mi Familia Vota [CO-SPONSOR]
American Civil Liberties Union of California
California League of Conservation Voters (prior version)
California League of United Latin American Citizens
Council on American-Islamic Relations – California
Mexican American Legal Defense and Educational Fund
RepresentUs (prior version)

Opposition

Association of California Healthcare Districts (prior version)
Association of California School Administrators
California Special Districts Association
California State Association of Counties (unless amended)
City Clerks Association of California
City of Riverside (prior version)
League of California Cities
Rural County Representatives of California (unless amended)
Urban Counties of California (unless amended)

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