

Date of Hearing: June 27, 2018

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Cecilia Aguiar-Curry, Chair

SB 1018 (Allen) – As Amended June 14, 2018

SENATE VOTE: 36-0

SUBJECT: Elections: state and local reapportionment.

SUMMARY: Allows specified local jurisdictions to create a hybrid redistricting commission, allows school districts, community college districts, and special districts to create a redistricting commission, and modifies some of the requirements for serving on a local redistricting commission. Specifically, **this bill:**

- 1) Allows a county or a general law city to establish a hybrid redistricting commission.
- 2) Allows a school district, community college district, or a special district to establish an advisory, hybrid, or independent redistricting commission.
- 3) Allows a local jurisdiction to establish an advisory, hybrid, or independent redistricting commission by a charter amendment.
- 4) Makes the following changes to law governing advisory redistricting commissions:
 - a) Deletes a requirement that an advisory commission submit a report by specified dates to the legislative body documenting the need for changes to the boundaries and its recommended changes; and,
 - b) Allows a local jurisdiction to impose additional requirements or restrictions on an advisory commission, members of the commission, or applicants to the commission in excess of those prescribed by this bill and existing law.
- 5) Adds hybrid redistricting commissions to the body of law that governs independent redistricting commissions, and makes the following additional changes to these statutes:
 - a) Clarifies that commissioners are not to be directly appointed by the legislative body or an elected official of the local jurisdiction;
 - b) Prohibits a person from being appointed to serve on a commission if the person or any family member of the person has been elected or appointed to, or been a candidate for, an elective office of the local jurisdiction in the eight years preceding the person's application;
 - c) Reduces the period of time, from eight years to four years preceding an appointment to an independent commission, that an applicant's family members (other than the applicant's spouse) must not have engaged in any of the following conduct in order for that applicant to be eligible to serve on the commission:

- i) Served as an officer or employee of, or paid consultant to, a campaign committee or a candidate for elective office of the local jurisdiction;
 - ii) Served as an officer or employee of, or paid consultant to, a political party or as an elected or appointed member of a political party central committee;
 - iii) Served as a staff member or a consultant to, or contracted with, a currently-serving elected officer of the local jurisdiction;
 - iv) Been registered to lobby the local jurisdiction; or,
 - v) Contributed \$500 or more in a year to any candidate for an elective office of the local jurisdiction. The local jurisdiction may adjust this amount by the cumulative change in the California Consumer Price Index, or its successor, in every year ending in zero;
- d) Reduces, from 10 years to five years, the period of time after a person's appointment to a commission that the person is prohibited from being a candidate for elective office in that jurisdiction;
- e) Prohibits a commission member from being a candidate for elective office in that jurisdiction if:
- i) The election for that office will be conducted using district boundaries that were adopted by the commission on which the member served, and those district boundaries have not been subsequently readopted by a commission after the end of the member's term on the commission; and,
 - ii) The election for that office will be conducted using district boundaries that were adopted by a legislative body pursuant to a recommendation by the commission on which the member served, and those district boundaries have not been subsequently readopted by a legislative body pursuant to a recommendation by a commission after the end of the member's term on the commission;
- f) Reduces the period of time, from four years to two years following the date of a person's appointment to a commission, that the person is prohibited from accepting an appointment to an office of that jurisdiction;
- g) Clarifies that a local jurisdiction may impose additional requirements and restrictions on a commission, on members of a commission, or on applicants to a commission in excess of those prescribed by this bill and existing law;
- h) Repeals existing deadlines for commissions to complete their work, and makes commissions subject to the same redistricting deadlines, requirements, and restrictions that would otherwise apply to a legislative body;
- i) Prohibits a commission from drawing districts for the purpose of favoring or discriminating against a political party; and,

- j) Prohibits district boundaries that are adopted by an independent commission or adopted by a legislative body from recommendations provided by a hybrid commission from being altered by the legislative body or the commission until after the next federal decennial census occurs, unless those boundaries have been invalidated by a final judgment or order of a court of competent jurisdiction.
- 6) Allows a local jurisdiction, except for a county, to contract with a county in which the local jurisdiction is partially or wholly located that has established an independent commission to have that commission adopt the local jurisdiction's election district boundaries. The county's independent commission must hold at least three public hearings in the local jurisdiction before adopting these boundaries.
- 7) Provides or clarifies the following definitions:
- a) "Hybrid redistricting commission" means a body that recommends to a legislative body two or more maps for the placement of the district boundaries for that legislative body, where the legislative body must adopt one of those maps without modification, except as may be required to comply with state or federal law;
 - b) "Spouse" means a spouse or registered domestic partner; and,
 - c) "Redistricting" means either districting or redistricting.
- 8) Makes technical and corresponding changes.

FISCAL EFFECT: None

COMMENTS:

- 1) **Background.** The California Citizens Redistricting Commission (CRC) was created by Proposition 11, which voters approved in 2008. The CRC is responsible for establishing district lines for the Assembly, Senate, and Board of Equalization. Proposition 11 also modified the criteria used when drawing district lines. Proposition 20, approved by voters in 2010, gave the CRC the responsibility for establishing lines for California's congressional districts, and made other changes to the procedures and criteria to be used by the CRC. The CRC consists of 14 registered voters, including five Democrats, five Republicans, and four others, all of whom are chosen according to procedures specified in Proposition 11.

Prior to last year, counties and general law cities were able to create *advisory* redistricting commissions (described in law as a "committee" of residents of the jurisdiction), but were not able to create commissions with the authority to establish district boundaries. Instead, the authority to establish district boundaries for a local jurisdiction was generally held by the governing body of that jurisdiction. Charter cities are able to establish redistricting commissions that have the authority to establish district boundaries because the state Constitution gives charter cities broad authority over the conduct of city elections and over the manner in which, method by which, times at which, and terms for which municipal officers are elected. As a result, a number of California cities established redistricting commissions to adjust city council districts following each decennial census.

SB 1108 (Allen), Chapter 784, Statutes of 2016, allowed counties and general law cities to establish, by ordinance or resolution, both advisory and independent redistricting commissions. Although SB 1108 enabled broader use of redistricting commissions by cities and counties, state law does not allow other local governments to use the same authority to establish their own commissions. Accordingly, electoral district boundaries for special districts, school districts, and community college districts continue to be established by their governing boards, or in some cases, their principal acts.

- 2) **Author's Statement.** According to the author, "Several jurisdictions have or are in the process of creating commissions pursuant to the new authority granted under SB 1108, but this has revealed that some clarifications in the law are needed. This bill makes improvements and clarifications to existing law...(and) responds to continued local demand for nonpartisan redistricting by expanding the definition of local jurisdictions from just cities and counties to include school, community college and special districts. These changes will streamline the redistricting process for local districts and bring more transparency and nonpartisan redistricting to counties, cities, school districts and special districts throughout California."
- 3) **Bill Summary.** This bill makes a number of changes to local jurisdictions' authority to create redistricting commissions. Among its major provisions are the following:
 - a) Creates a new type of redistricting commission called a "hybrid" commission, which recommends to a legislative body two or more maps for district boundaries, and requires a legislative body to adopt one of those maps without modification, except as may be required to comply with state or federal law;
 - b) Allows counties and general law cities to create hybrid commissions and adds hybrid commissions to the laws governing independent commissions;
 - c) Allows school boards, community college boards and special district boards to establish independent, hybrid or advisory redistricting commissions;
 - d) Clarifies that redistricting includes districting;
 - e) Allows a local jurisdiction to impose additional requirements and restrictions on members of commissions in excess of those already prescribed;
 - f) Alters some of the qualifications, standards and post-services restrictions on commission members in order to expand the pool of eligible applications; and,
 - g) Allows a city, school district, community college district or special district to contract with a county redistricting commission to adopt the local jurisdiction's election district boundaries, subject to public hearing requirements.

This bill is sponsored by California Common Cause.

- 4) **Arguments in Support.** California Common Cause, sponsor of this measure, states, "SB 1018 expands the scope of (SB 1108) and gives school districts, community college districts, and special districts the same options that counties and cities already have to adopt

an independent commission. State law should not stand as a barrier to those districts that want to take the admirable step of creating a redistricting commission to carefully study, propose, and adopt new election district boundaries. SB 1018 also clarifies the original intent of SB 1108 by making it clearer that commissions may be used for an initial districting, and not simply a redistricting, and by clarifying that hybrid commissions, where both the local government and commission share authority in adopting final maps, must meet the same standards of independence and transparency required of independent commissions.

"Finally, SB 1018 also makes independent commissions easier for local governments to set up, by relaxing some of the commissioner eligibility requirements, standardizing commission deadlines to align with local legislative deadlines, and authorizing cities to contract with their county to have the county's independent redistricting commission draw the city's election districts, where such a commission exists. Lastly, to promote public confidence in the process, SB 1018 prohibits independent commissions from drawing lines in order to benefit or discriminate against a political party, which is a redistricting best practice."

- 5) **Arguments in Opposition.** None on file.
- 6) **Double-Referral.** This bill was heard by the Elections and Redistricting Committee on June 13, 2018, where it passed with a 6-0 vote.

REGISTERED SUPPORT / OPPOSITION:

Support

California Common Cause [SPONSOR]
American Civil Liberties Union of California
League of Women Voters of California
Individual letters (3)

Opposition

None on file

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