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AB-2389 Special districts: district-based elections: reapportionment. (2015-2016)

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Assembly Bill No. 2389

CHAPTER 754

An act to amend Section 10508 of, and add Part 5.5 (commencing with Section 10650) to Division 10 of, the Elections Code, relating to elections.

[Approved by Governor September 28, 2016. Filed with Secretary of State September 28, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2389, Ridley-Thomas. Special districts: district-based elections: reapportionment.

Existing law provides for political subdivisions, including special districts, 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 or from districts formed within the political subdivision (district-based). Under existing law, the manner of election of a governing body of a special district is generally specified in the statutes creating the district. If a political subdivision changes from an at-large method of election to a district-based election, existing law generally requires the political subdivision to submit to the voters an ordinance or resolution providing for the election of members of the governing body by district.

This bill would authorize a governing body of a special district, as defined, to require, by resolution, that the members of its governing body be elected using district-based elections without being required to submit the resolution to the voters for approval. This bill would require the resolution to include a declaration that the change in the method of election is being made in furtherance of the purposes of the California Voting Rights Act of 2001.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 10508 of the Elections Code is amended to read:

10508. The principal act shall govern whether directors of a district are elected by divisions or by the district at large. A governing body may require that the directors of the governing body be elected using district-based elections pursuant to Section 10650.

SEC. 2. Part 5.5 (commencing with Section 10650) is added to Division 10 of the Elections Code, to read:

PART 5.5. Special District Elections

10650. (a) Notwithstanding any other law, a governing body of a special district may require, by resolution, that the members of its governing body be elected using district-based elections, as defined in subdivision (b) of Section 14026, without being required to submit the resolution to the voters for approval. A resolution adopted pursuant to this subdivision shall include a declaration

that the change in the method of electing members of the governing body is being made in furtherance of the purposes of the California Voting Rights Act of 2001 (Chapter 1.5 (commencing with Section 14025) of Division 14 of the Elections Code).

(b) For purposes of this section, "special district" means an agency of the state formed pursuant to general law or special act for the local performance of governmental or proprietary functions within limited boundaries. "Special district" does not include a city, county, city and county, school or community college district, special assessment district, or district with appointed members on its governing body.