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SB-1108 Elections: state and local reapportionment. (2015-2016)

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Senate Bill No. 1108

CHAPTER 784

An act to add Chapter 9 (commencing with Section 23000) to Division 21 of, and to repeal Sections 21505 and 21605 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

SB 1108, Allen. Elections: state and local reapportionment.

Existing law authorizes a county board of supervisors to appoint a committee, composed of county residents, to study the matter of changing the boundaries of its supervisorial districts. Existing law directs a committee created pursuant to that provision to report its findings to the board of supervisors, as specified, and it expressly states that recommendations of the committee are advisory only. Existing law similarly authorizes a city council to appoint a committee, composed of city residents, to study the matter of changing the boundaries of its council districts, directs a committee so created to report its findings to the city council, and expressly states that recommendations of the committee are advisory only.

This bill would delete those provisions and instead authorize a county or general law city to establish a commission, composed of residents of the county or city, to either change the boundaries of the districts or recommend to the governing body changes to the boundaries of the districts. The bill would also require an advisory commission that recommends changes to district boundaries to report to the governing body its findings on the need for changes to the boundaries. For a commission empowered to change district boundaries, this bill would prohibit the appointment of a person or family member, as defined, of a person who engaged in specified activities during the preceding 8 years, and it would also prohibit commission members from engaging in specified activities while serving and for a specified period of time after serving.

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

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

SECTION 1. Section 21505 of the Elections Code is repealed.

SEC. 2. Section 21605 of the Elections Code is repealed.

SEC. 3. Chapter 9 (commencing with Section 23000) is added to Division 21 of the Elections Code, to read:

CHAPTER 9. Advisory and Independent Redistricting Commissions

23000. For purposes of this chapter, the following terms have the following meanings:

(a) "Advisory redistricting commission" means a body that recommends to a legislative body placement of the district boundaries for that legislative body.

(b) "Family member" means a spouse, registered domestic partner, parent, sibling, child, or in-law.

(c) "Independent redistricting commission" means a body, other than a legislative body, that is empowered to adopt the district boundaries of a legislative body.

(d) "Legislative body" means either a city council of a general law city or a county board of supervisors.

(e) "Local jurisdiction" means either a general law city or a county.

23001. A local jurisdiction may establish by resolution or ordinance an independent redistricting commission or an advisory redistricting commission composed of residents of the local jurisdiction to change the legislative body's district boundaries or to recommend to the legislative body changes to those district boundaries.

23002. (a) This section applies to advisory redistricting commissions.

(b) Notwithstanding any other law, the local jurisdiction may prescribe the manner in which members are appointed to the commission.

(c) A person who is an elected official of the local jurisdiction, or a family member, staff member, or paid campaign staff of an elected official of the local jurisdiction, shall not be appointed to serve on the commission.

(d) The commission shall submit a report to the legislative body of its findings on the need for changes to the boundaries, and its recommended changes, within six months after the final population figures determined in each federal decennial census have been released, but in any event not later than August 1 of the year following the year in which the census is taken.

23003. (a) This section applies to independent redistricting commissions.

(b) Notwithstanding any other law, the local jurisdiction may prescribe the manner in which members are appointed to the commission, provided that the jurisdiction uses an application process open to all eligible residents. A local jurisdiction may also impose additional qualifications and restrictions on members of the commission in excess of those prescribed by this section.

(c) A person, or the family member of a person, who has done any of the following in the preceding eight years, shall not be appointed to serve on a commission:

(1) Been elected or appointed to, or been a candidate for, an elective office of the local jurisdiction.

(2) Served as an officer of, employee of, or paid consultant to, a campaign committee or a candidate for elective office of the local jurisdiction.

(3) Served as an officer of, employee of, or paid consultant to, a political party or as an elected or appointed member of a political party central committee.

(4) Served as a staff member of, consultant to, or contracted with, a currently serving elected officer of the local jurisdiction.

(5) Been registered to lobby the local jurisdiction.

(6) Contributed five hundred dollars (\$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) A member of the commission shall not do any of the following:

(1) While serving on the commission, endorse, work for, volunteer for, or make a campaign contribution to, a candidate for an elective office of the local jurisdiction.

(2) Be a candidate for an elective office of the local jurisdiction for 10 years commencing with the date of his or her appointment to the commission.

(3) For four years commencing with the date of his or her appointment to the commission:

(A) Accept an appointment to an office of the local jurisdiction.

(B) Accept employment as a staff member of, or consultant to, an elected official or candidate for elective office of the local jurisdiction.

(C) Receive a noncompetitively bid contract with the local jurisdiction.

(D) Register as a lobbyist for the local jurisdiction.

(e) A commission established pursuant to this section shall not be comprised entirely of members who are registered to vote with the same political party preference.

(f) Each member of the commission shall be a designated employee in the conflict of interest code for the commission pursuant to Article 3 (commencing with Section 87300) of Chapter 7 of Title 9 of the Government Code.

(g) The commission is subject to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code) and the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

(h) The commission shall adopt new boundaries within six months after the final population figures determined in each federal decennial census have been released, but in any event not later than November 1 of the year following the year in which the census is taken. A map of the proposed boundaries shall be published and made available to the public for at least seven days before being adopted. Before adopting new boundaries, the commission shall hold at least three public hearings preceding the hearing at which the new boundaries are adopted. The commission shall not draw districts for the purpose of favoring or discriminating against an incumbent or political candidate.