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AB-1848 Redistricting. (2021-2022)

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Date Published: 10/03/2022 02:00 PM

Assembly Bill No. 1848

CHAPTER 763

An act to amend Sections 21001 and 21003 of the Elections Code, relating to elections.

[Approved by Governor September 29, 2022. Filed with Secretary of State September 29, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1848, Bryan. Redistricting.

(1) The California Constitution requires the Citizens Redistricting Commission to draw district lines for the election of Members of the State Senate, Assembly, Congress, and the State Board of Equalization. The commission is required to approve final maps and certify them to the Secretary of State by August 15 in each year ending in the number one.

Existing law requires the Secretary of State to provide each Member of the Senate, Assembly, and the State Board of Equalization, and each Member of Congress from California, with one copy of a map of the Member's district.

This bill would instead require the Secretary of State, upon receipt of certified final maps from the Citizens Redistricting Commission, to provide electronic copies of the maps to county elections officials, the Chief Clerk of the Assembly, the Senate Committee on Rules, the California congressional delegation, and the State Board of Equalization.

(2) Existing law requires the Department of Corrections and Rehabilitation to furnish to the Legislature and the Citizens Redistricting Commission certain information regarding each inmate incarcerated in a state correctional facility on the decennial Census Day, including the residential address at which the inmate was domiciled before the inmate's current term of incarceration. Under the existing law, the Legislature requests the Citizens Redistricting Commission to deem each incarcerated person as residing at that person's last known place of residence rather than at the institution of that person's incarceration.

This bill would instead require the commission to deem each incarcerated person as residing at that person's last known place of residence, except as provided.

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

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

SECTION 1. Section 21001 of the Elections Code is amended to read:

21001. (a) Upon receipt of certified final maps from the Citizens Redistricting Commission setting forth the district boundary lines for congressional, Senatorial, Assembly, and State Board of Equalization districts in accordance with subdivision (g) of Section 2 of Article XXI of the California Constitution, the Secretary of State shall provide an electronic copy of the maps to county elections officials. In addition, the Secretary of State shall provide an electronic copy of the entire set of maps for the Assembly to the Chief

Clerk of the Assembly, an electronic copy of the entire set of maps for the Senate to the Senate Committee on Rules, an electronic copy of the entire set of maps for Congress to each member of the California congressional delegation, and an electronic copy of the entire set of maps for the State Board of Equalization to the State Board of Equalization.

(b) The Secretary of State shall also make copies of the maps available for public inspection.

(c) There shall be no charge for the maps provided pursuant to this section.

SEC. 2. Section 21003 of the Elections Code is amended to read:

21003. (a) (1) In 2030 and in each year ending in the number zero thereafter, the Department of Corrections and Rehabilitation shall furnish to the Legislature and the Citizens Redistricting Commission, in the form of a single electronic file for each database maintained by the department, information regarding each inmate incarcerated in a state correctional facility on the decennial Census Day. This information shall be furnished not sooner than the decennial Census Day and not later than 90 days after the decennial Census Day.

(2) The information furnished by the Department of Corrections and Rehabilitation pursuant to paragraph (1) shall include the following for each inmate:

(A) A unique identifier, other than the inmate's name or Department of Corrections and Rehabilitation number.

(B) Any information maintained by the Department of Corrections and Rehabilitation about the residential address or addresses at which the inmate was domiciled before the inmate's most current term of incarceration, including any available information about the date on which each address was added to records maintained by the department. If the Department of Corrections and Rehabilitation does not have any residential address information for an inmate, the information furnished by the department shall state that fact.

(C) The inmate's ethnicity, as identified by the inmate, and the inmate's race, to the extent such information is maintained by the Department of Corrections and Rehabilitation.

(D) The address of the state correctional facility where the inmate is incarcerated on the decennial Census Day.

(3) The Department of Corrections and Rehabilitation shall exclude all inmates in federal custody in a facility within California from the information furnished pursuant to this section.

(b) In order to comply with its obligation to ensure that a complete and accurate computerized database is available for redistricting in accordance with subdivision (b) of Section 8253 of the Government Code, the Legislature, in coordination with the Citizens Redistricting Commission, shall ensure that the information provided by the Department of Corrections and Rehabilitation pursuant to subdivision (a) is included in that computerized database.

(c) Notwithstanding subdivision (b), and regardless of the form in which the information is furnished by the Department of Corrections and Rehabilitation, the Legislature or the Citizens Redistricting Commission shall not publish information regarding the race, ethnicity, or prior residential addresses of specific inmates.

(d) Consistent with Section 2025, the Citizens Redistricting Commission shall deem each incarcerated person as residing at that person's last known place of residence, rather than at the institution of that person's incarceration, and shall use the information furnished to it pursuant to subdivision (a) in carrying out its redistricting responsibilities under Article XXI of the California Constitution. The Citizens Redistricting Commission shall also do all of the following when it uses information regarding inmates that is furnished pursuant to this section:

(1) Deem an inmate incarcerated in a state correctional facility for whom the last known place of residence is either outside California or cannot be determined, or an inmate in federal custody in a facility within California, to reside at an unknown geographical location in the state and exclude the inmate from the population count for any district, ward, or precinct.

(2) Adjust race and ethnicity data in districts, wards, and precincts that contain prisons in a manner that reflects reductions in the local population as inmates are included in the population count of the district, ward, or precinct of their last known place of residence and, to the extent practicable, those deemed to reside at an unknown geographic location.

(e) (1) For purposes of this section, "last known place of residence" means the most recent residential address of an inmate before the inmate's most current term of incarceration that is sufficiently specific to be assigned to a census block, as determined from information furnished by the Department of Corrections and Rehabilitation in accordance with this section. In the case of an inmate for whom residential address information is available but is not sufficiently specific to allow the address to be assigned to a census block, the "last known place of residence" means a randomly determined census block located within the smallest geographical area that can be identified based on the residential address information furnished by the Department of Corrections and Rehabilitation.

(2) For purposes of this section, "state correctional facility" means a facility under the control of the Department of Corrections and Rehabilitation.