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**SB-594 Elections: redistricting.** (2021-2022)

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**Senate Bill No. 594**

**CHAPTER 320**

An act to amend Sections 21500, 21601, and 21621 of, to add Section 22002 to, and to add and repeal Section 22000.1 of, and Chapter 1.5 (commencing with Section 8160) to Part 1 of Division 8 of, the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

[ Approved by Governor September 27, 2021. Filed with Secretary of State September 27, 2021. ]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 594, Glazer. Elections: redistricting.

(1) (a) The California Constitution establishes the Citizens Redistricting Commission for the purpose of drawing district lines for the election of Members of the State Senate, Assembly, Congress, and the State Board of Equalization, and requires the commission to do so by August 15 in each year ending in the number one thereafter. For redistricting occurring in 2021, the Supreme Court of California, by peremptory writ of mandate in *Legislature of State of California v. Padilla* (2020) 9 Cal.5th 867, extended that deadline to December 15, 2021, or to a later date if specified conditions are met, due to a delay in the release of federal census data caused by the COVID-19 pandemic.

This bill would, for the June 7, 2022, statewide direct primary election, make various changes, described below, to existing law relating to candidate nominations and compilation of registered voter data in order to accommodate the extended state redistricting deadline. The bill would define "state redistricting deadline" for these purposes to mean the extended deadline established by the Supreme Court of California described above, or that deadline as modified in any subsequent related proceeding. If a subsequent proceeding further modifies the deadline, the bill would require the Secretary of State, within 7 days, to prepare a calendar of key election dates and deadlines and requirements for the nomination of candidates. The bill would repeal these provisions on January 1, 2023. By increasing the duties of local elections officials, the bill would impose a state-mandated local program.

(b) Existing law provides that a person is not eligible to be elected to an elective office unless that person is a registered voter and otherwise qualified to vote for that office at the time that nomination papers are issued to the person.

This bill would provide that a person is not ineligible to be elected to the office of Member of the State Board of Equalization, State Senator, or Member of the Assembly on the ground that the person was not otherwise qualified to vote for the office if, at the time that nomination papers are issued to the person, the person is registered to vote and would be qualified to vote for the office if the person was a resident of, and registered to vote in, the election district from which the office is elected.

(c) Existing law generally requires nomination documents for elective office to be made available to candidates not more than 113 days before the election.

This bill would require those nomination documents to be first available on February 14, 2022, or the 46th day after the state redistricting deadline, whichever is later.

(d) Existing law authorizes a candidate for elective office to submit a petition containing a specified number of signatures in lieu of all or part of the fee for filing nomination papers. Existing law requires the Secretary of State to make forms for securing signatures available to each candidate commencing 60 days before the first day for circulating nomination papers, except as specified, and requires candidates to file in-lieu-filing-fee petitions at least 30 days before the close of the nomination period.

This bill would require the Secretary of State to make those forms available commencing 7 days after the state redistricting deadline, and require in-lieu-filing-fee petitions to be filed not later than February 9, 2022, or 41 days after the state redistricting deadline, whichever is later. The bill would require the elections official to proportionally reduce the required number of signatures for a petition by the same proportion as the reduction in the number of days for a candidate to collect signatures on a petition compared to the number of days specified in existing law for a candidate to collect signatures for a regular election for the same office.

(e) Existing law requires each county elections official to provide the Secretary of State with specified information regarding the number of voters and their party preferences in the county and each supervisorial, Congressional, Senate, Assembly, and Board of Equalization district in the county on the 135th day before each direct primary election, with respect to all voters who are registered voters on the 154th day before the primary election. Existing law requires the Secretary of State to compile a statewide list of this information within 30 days after receiving it from each county elections official.

This bill would require the Secretary of State to determine, by December 31, 2021, whether it is feasible to include in the statewide list described above the number of voters by party preference in each supervisorial, Congressional, Senate, Assembly, and Board of Equalization district with respect to all voters who are registered voters on the 154th day before the June 7, 2022, statewide direct primary election. If the Secretary of State determines it is not feasible, the bill would not require that information to be included in the information provided by the counties and the compiled statewide list. The bill would require the Secretary of State to prepare a supplemental statewide list showing that information on a date specified by the Secretary of State, but not later than the 88th day before the election.

(f) Existing law requires the Secretary of State, at least 158 days before the statewide direct primary election, to prepare and transmit to each county elections official a notice designating all of the offices, except those of county officers and judges, for which candidates are to be nominated.

This bill would instead require that notice to be transmitted not later than the 6th day after the state redistricting deadline.

(g) Existing law authorizes a candidate for elective office to designate that certain specified words appear below the candidate's name on the ballot, including, among others, the word "incumbent."

This bill would prohibit a candidate for the office of Representative in Congress, Member of the State Board of Equalization, State Senator, or Member of the Assembly from choosing the word "incumbent" as a designation to appear on the ballot. The bill would make conforming changes relating to the deadline for a person to file nomination documents for an office if a current holder of the office does not file nomination documents.

(2) Existing law requires, after each federal decennial census, the board of directors of certain special districts to adjust, by resolution, their division boundaries so that their divisions are equal in population and in compliance with specified requirements, and prohibits those districts from making a change in division boundaries within 180 days preceding the election of any director. Existing law also requires certain special districts that elect their board members from or by divisions to adjust their boundaries before November 1 of the year following the year in which each decennial census is taken.

For district conducting elections in 2022, this bill would, notwithstanding those provisions, require a governing board to adopt adjusted division boundaries no later than April 17, 2022, if the board has a regular election to elect members of its governing board on the same date as the 2022 statewide general election. If the board does not have a regular election on that date, the bill would require the board to adopt adjusted division boundaries prior to 180 days preceding the district's first regular election occurring after January 1, 2022. The bill would repeal these provisions on January 1, 2023. The bill would also clarify that the date of adoption of a resolution adjusting division boundaries is the date of passage of the resolution by the board.

(3) Existing law requires counties, general law cities, and charter cities that elect members of their legislative bodies using district-based elections to adopt boundaries for those supervisorial or council districts following each federal decennial census, as specified. Existing law expressly authorizes a city council to adopt district boundaries by resolution or ordinance.

This bill would clarify that "adopting" district boundaries for these purposes means the passage of an ordinance or resolution specifying those boundaries.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: yes

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

**SECTION 1.** Chapter 1.5 (commencing with Section 8160) is added to Part 1 of Division 8 of the Elections Code, to read:

### **CHAPTER 1.5. June 7, 2022, Direct Primary**

**8160.** This chapter applies only to the June 7, 2022, statewide direct primary election.

**8161.** As used in this chapter:

(a) "Commission" means the Citizens Redistricting Commission established in accordance with Article XXI of the California Constitution.

(b) "State redistricting deadline" means the deadline established by subdivision (g) of Section 2 of Article XXI of the California Constitution, as modified by the California Supreme Court in *Legislature of State of California v. Padilla* (2020), 9 Cal.5th 867, and in any subsequent proceedings in or relating to that case, for the Commission to approve four final maps that separately set forth the district boundary lines for the congressional, State Senatorial, Assembly, and State Board of Equalization districts.

**8162.** (a) Notwithstanding Section 201 or any other law, a person who is a registered voter and otherwise qualified to vote for an office at the time that the person files nomination papers is not ineligible to be elected to that office on the grounds that the person was not otherwise qualified to vote for that office at the time that nomination papers are issued to the person if both of the following are true:

(1) The office for which the person files nomination papers is one of the following:

(A) Member of the State Board of Equalization.

(B) State Senator.

(C) Member of the Assembly.

(2) At the time nomination papers are issued the person is registered to vote and the person would be qualified to vote for the office if the person was a resident of, and registered to vote in, the election district from which the office is elected.

(b) An elections official, upon request, shall issue nomination papers to a person for an office specified in paragraph (1) of subdivision (a), regardless of whether that person is a resident of the election district from which the office is elected, if the person satisfies the requirements of paragraph (2) of subdivision (a).

**8163.** (a) Notwithstanding subdivision (b) of Section 8106, and except as provided in paragraph (2) of subdivision (a) of Section 21501 and paragraph (2) of subdivision (a) of Section 21622, forms for securing signatures on an in-lieu-filing-fee petition shall be made available commencing seven days after the state redistricting deadline.

(b) Notwithstanding paragraph (3) of subdivision (b) of Section 8106, in-lieu-filing-fee petitions shall be filed not later than February 9, 2022, or 41 days after the state redistricting deadline, whichever is later. Within 10 days after receipt of a petition, the elections official shall notify the candidate of any deficiency. The candidate shall then, at the time of obtaining nomination forms, pay a pro rata portion of the filing fee to cover the deficiency.

(c) Notwithstanding subdivision (a) of Section 8106, the elections official shall reduce the required number of signatures on an in-lieu-filing-fee petition by the same proportion as the reduction in the number of days for the candidate to collect signatures on such a petition compared to the number of days for a candidate to collect signatures on a petition for a regular election for the same office, as provided by subdivision (b) of Section 8106.

**8164.** Notwithstanding Sections 8020, 10220, 10407, 10510, and 10603, nomination documents shall first be available on February 14, 2022, or the 46th day after the state redistricting deadline, whichever is later.

**8165.** Not later than December 31, 2021, the Secretary of State shall determine whether it is feasible to include the number of voters, by party preferences, in each supervisorial district, Assembly district, Senate district, Board of Equalization district, and congressional district in the state in the statewide list compiled by the Secretary of State pursuant to subdivision (b) of Section 2187 with respect to all voters who are registered voters on the 154th day before the June 7, 2022 primary election in accordance with paragraph (1) of subdivision (c) of Section 2187, and shall publicly announce that determination. If the Secretary of State determines that it is not feasible to include that information, all of the following apply:

(a) Notwithstanding paragraph (5) of subdivision (a) of Section 2187, the information provided by the county elections official pursuant to paragraph (1) of subdivision (c) of Section 2187 is not required to include the number of voters by political party preferences in each of the following subdivisions, located in whole or in part within the county:

- (1) Supervisorial district.
- (2) Congressional district.
- (3) Senate district.
- (4) Assembly district.
- (5) Board of Equalization district.

(b) Notwithstanding subdivision (b) of Section 2187, the statewide list compiled by the Secretary of State pursuant to that subdivision with respect to all voters who are registered voters on the 154th day before the June 7, 2022 primary election shall not include the number of voters, by party preferences, in each supervisorial district, Assembly district, Senate district, and congressional district in the state.

(c) (1) The Secretary of State shall prepare a supplemental statewide list showing the number of voters, by party preference, in the state and in each county, city, supervisorial district, Assembly district, Senate district, and congressional district in the state with respect to all voters who are registered voters on a date specified by the Secretary of State. The date specified by the Secretary of State shall be as soon as is feasible after the state redistricting deadline, as determined by the Secretary of State, but not later than the 88th day before the June 7, 2022 primary election. The Secretary of State shall compile this list within 30 days of receiving the information specified in paragraph (2). A copy of this list shall be made available, upon request, to any elector in this state.

(2) For the purpose of preparing the supplemental statewide list required by paragraph (1), each county elections official shall prepare the information referenced in subdivision (a) of Section 2187 and provide notice to the Secretary of State by a date specified by the Secretary of State.

**8166.** Notwithstanding Section 12103, the notice required by that section designating all the offices, except those of county officers and judges, for which candidates are to be nominated shall be prepared by the Secretary of State and transmitted to each county elections official not later than the sixth day after the state redistricting deadline.

**8167.** Not later than seven days after any change to or clarification of the state redistricting deadline that occurs as a result of subsequent proceedings before the California Supreme Court in or relating to *Legislature of State of California v. Padilla* (2020), 9 Cal.5th 867, the Secretary of State shall prepare a calendar of key election dates and deadlines and requirements for the nomination and election of candidates pursuant to California law, including this chapter.

**8168.** (a) Notwithstanding paragraph (2) of subdivision (a) of Section 13107, a candidate for the office of Representative in Congress, Member of the State Board of Equalization, State Senator, or Member of the Assembly shall not choose the word "incumbent" as a designation to appear on the ballot. This subdivision shall not be construed to prevent a candidate from choosing a designation of the elective office which the candidate holds at the time of filing the nomination documents, to which the candidate was elected by vote of the people in accordance with paragraph (1) of subdivision (a) of Section 13107.

(b) (1) Section 8022, as it pertains to the offices of Representative in Congress, Member of the State Board of Equalization, State Senator, or Member of the Assembly, shall not be operative.

(2) Notwithstanding Section 8020 or any other law, a person shall have until 5 p.m. on the 83rd day before the direct primary election to file nomination documents for an elective office if the office is one of the following:

- (A) Representative in Congress, and no person who currently holds the office of Representative in Congress delivered nomination documents for that district by 5 p.m. on the 88th day before the direct primary election.

(B) Member of the State Board of Equalization, and no person who currently holds the office of Member of the State Board of Equalization delivered nomination documents for that district by 5 p.m. on the 88th day before the direct primary election.

(C) State Senator, and no person who currently holds the office of State Senator delivered nomination documents for that district by 5 p.m. on the 88th day before the direct primary election.

(D) Member of the Assembly, and no person who currently holds the office of Member of the Assembly delivered nomination documents for that district by 5 p.m. on the 88th day before the direct primary election.

**8169.** This chapter shall remain in effect only until January 1, 2023, and as of that date is repealed.

**SEC. 2.** Section 21500 of the Elections Code is amended to read:

**21500.** (a) Following a county's decision to elect its board using district-based elections, or following each federal decennial census for a county whose board is already elected using district-based elections, the board shall, by ordinance or resolution, adopt boundaries for all of the supervisorial districts of the county so that the supervisorial districts shall be substantially equal in population as required by the United States Constitution.

(1) Population equality shall be based on the total population of residents of the county as determined by the most recent federal decennial census for which the redistricting data described in Public Law 94-171 are available.

(2) Notwithstanding paragraph (1), an incarcerated person, as that term is used in Section 21003, shall not be counted towards a county's population, except for an incarcerated person whose last known place of residence may be assigned to a census block in the county, if information about the last known place of residence for incarcerated persons is included in the computerized database for redistricting that is developed in accordance with subdivision (b) of Section 8253 of the Government Code, and that database is made publicly available.

(b) The board shall adopt supervisorial district boundaries that comply with the United States Constitution, the California Constitution, and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.).

(c) The board shall adopt supervisorial district boundaries using the following criteria as set forth in the following order of priority:

(1) To the extent practicable, supervisorial districts shall be geographically contiguous. Areas that meet only at the points of adjoining corners are not contiguous. Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous.

(2) To the extent practicable, the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division. A "community of interest" is a population that shares common social or economic interests that should be included within a single supervisorial district for purposes of its effective and fair representation. Communities of interest do not include relationships with political parties, incumbents, or political candidates.

(3) To the extent practicable, the geographic integrity of a city or census designated place shall be respected in a manner that minimizes its division.

(4) Supervisorial district boundaries should be easily identifiable and understandable by residents. To the extent practicable, supervisorial districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the county.

(5) To the extent practicable, and where it does not conflict with the preceding criteria in this subdivision, supervisorial districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.

(d) The board shall not adopt supervisorial district boundaries for the purpose of favoring or discriminating against a political party.

(e) For purposes of this chapter, "adopt" or "adoption" in regard to supervisorial district boundaries means the passage of an ordinance or resolution specifying those boundaries.

**SEC. 3.** Section 21601 of the Elections Code is amended to read:

**21601.** (a) Following a city's decision to elect its council using district-based elections, or following each federal decennial census for a city whose council is already elected using district-based elections, the council shall, by ordinance or resolution, adopt boundaries for all of the council districts of the city so that the council districts shall be substantially equal in population as required by the United States Constitution.

(1) Population equality shall be based on the total population of residents of the city as determined by the most recent federal decennial census for which the redistricting data described in Public Law 94-171 are available.

(2) Notwithstanding paragraph (1), an incarcerated person as that term is used in Section 21003, shall not be counted towards a city's population, except for an incarcerated person whose last known place of residence may be assigned to a census block in the city, if information about the last known place of residence for incarcerated persons is included in the computerized database for redistricting that is developed in accordance with subdivision (b) of Section 8253 of the Government Code, and that database is made publicly available.

(b) The council shall adopt council district boundaries that comply with the United States Constitution, the California Constitution, and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.).

(c) The council shall adopt district boundaries using the following criteria as set forth in the following order of priority:

(1) To the extent practicable, council districts shall be geographically contiguous. Areas that meet only at the points of adjoining corners are not contiguous. Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous.

(2) To the extent practicable, the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division. 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.

(3) Council district boundaries should be easily identifiable and understandable by residents. To the extent practicable, council districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the city.

(4) To the extent practicable, and where it does not conflict with the preceding criteria in this subdivision, council districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.

(d) The council shall not adopt council district boundaries for the purpose of favoring or discriminating against a political party.

(e) For purposes of this article, "adopt" or "adoption" in regard to council district boundaries means the passage of an ordinance or resolution specifying those boundaries.

**SEC. 4.** Section 21621 of the Elections Code is amended to read:

**21621.** (a) Following a city's decision to elect its council using district-based elections, or following each federal decennial census for a city whose council is already elected using district-based elections, the council shall, by ordinance or resolution, adopt boundaries for all of the council districts of the city so that the council districts shall be substantially equal in population as required by the United States Constitution.

(1) Population equality shall be based on the total population of residents of the city as determined by the most recent federal decennial census for which the redistricting data described in Public Law 94-171 are available.

(2) Notwithstanding paragraph (1), an incarcerated person, as that term is used in Section 21003, shall not be counted towards a city's population, except for an incarcerated person whose last known place of residence may be assigned to a census block in the city, if information about the last known place of residence for incarcerated persons is included in the computerized database for redistricting that is developed in accordance with subdivision (b) of Section 8253 of the Government Code, and that database is made publicly available.

(b) The council shall adopt council district boundaries that comply with the United States Constitution, the California Constitution, and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.).

(c) The council shall adopt district boundaries using the following criteria as set forth in the following order of priority:

(1) To the extent practicable, council districts shall be geographically contiguous. Areas that meet only at the points of adjoining corners are not contiguous. Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous.

(2) To the extent practicable, the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division. 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.

(3) Council district boundaries should be easily identifiable and understandable by residents. To the extent practicable, council districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the city.

(4) To the extent practicable, and where it does not conflict with the preceding criteria in this subdivision, council districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.

(d) The council shall not adopt council district boundaries for the purpose of favoring or discriminating against a political party.

(e) Subdivision (c) does not apply to a charter city that has adopted comprehensive or exclusive redistricting criteria in its city charter. For purposes of this subdivision, "comprehensive or exclusive" means either that the city's charter excludes consideration of redistricting criteria other than those that are identified in the city charter or that the city's charter provides two or more traditional criteria for redistricting other than the requirement that districts be equal in population.

(f) For purposes of this article, "adopt" or "adoption" in regard to council district boundaries means the passage of an ordinance or resolution specifying those boundaries.

**SEC. 5.** Section 22000.1 is added to the Elections Code, to read:

**22000.1.** (a) Notwithstanding Section 22000, Section 61026 of the Government Code, Section 6592 or 13847 of the Health and Safety Code, Section 5785.1 of the Public Resources Code, Section 28750.2 of the Public Utilities Code, or any other law, the board of directors of a district that is required to adjust division boundaries after each federal decennial census shall adopt the adjusted boundaries of the divisions not later than the deadlines provided in subdivision (b).

(b) (1) The governing board of a district that has a regular election to elect members of its governing board on the same date as the 2022 statewide general election shall adopt adjusted division boundaries no later than April 17, 2022.

(2) The governing board of a district that does not have a regular election to elect members of its governing board on the same date as the 2022 statewide general election shall adopt adjusted division boundaries prior to 180 days before the district's first regular election to elect members of the governing board occurring after January 1, 2022.

(c) This section shall remain in effect only until January 1, 2023, and as of that date is repealed.

**SEC. 6.** Section 22002 is added to the Elections Code, to read:

**22002.** For purposes of this chapter, the date of adoption of a resolution adjusting division boundaries is the date of passage of the resolution by the board.

**SEC. 7.** If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

**SEC. 8.** This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

To ensure that delays in the adoption of district maps that occur due to the delayed release of data from the 2020 decennial federal census do not interfere with the effective and orderly conduct of the June 7, 2022, statewide direct primary election, and in order for the changes made by this act to aid cities, counties, and special districts undertaking the redistricting process in 2021, it is necessary that this act take effect immediately.