

CONCURRENCE IN SENATE AMENDMENTS

AB 849 (Bonta)

As Amended September 4, 2019

Majority vote

SUMMARY:

Revises and standardizes the criteria and process to be used by counties and cities when they adjust the boundaries of the electoral districts that are used to elect members of the jurisdictions' governing bodies. Requires counties and cities to comply with substantial public hearing and outreach requirements as part of the process for adjusting the boundaries of electoral districts.

The Senate Amendments:

- 1) Delete a provision of this bill that would have required a city or county, within two weeks of adopting new district boundaries, to issue a report explaining how the jurisdiction made its decisions in achieving compliance with the redistricting criteria in state law.
- 2) Delete provisions of this bill that would have established rules for a city or county to follow when assigning district numbers to newly adopted districts.
- 3) Reduce, from two to one, the number of public hearings that a city or county is required to conduct *before* drawing a draft map or maps of district boundaries.
- 4) Eliminate provisions of this bill that would have required a city or county to provide redistricting information, as specified, in languages in which the jurisdiction is required to provide language assistance for elections under specified provisions of *state* law. Require a city to provide redistricting information in any language that is spoken by a group of city residents with limited English proficiency who constitute 3% or more of the city's total population over four years of age for whom language can be determined, as specified.
- 5) Require the Secretary of State (SOS) to publish templates on the internet explaining the county and city redistricting processes under this bill.
- 6) Permit a city or county to prepare written summaries of public comment and deliberations made at public hearings or workshops relating to local redistricting, in lieu of requiring public recordings of all such hearings and workshops.
- 7) Make other minor, technical, and clarifying changes.

COMMENTS:

State laws governing redistricting for local agencies vary depending on the level of government: for instance, different rules apply to school districts and community college districts than apply to cities. Similarly, different rules apply to counties than to special districts. Notwithstanding these differences, many of the local redistricting rules are similar: the criteria required to be used when drawing district lines is very similar for counties, cities, special districts, and county boards of education, for example. Similarly, most local jurisdictions are required to hold at least two public hearings when adjusting district boundaries. Other local redistricting rules vary much more significantly. For example, a variety of different deadlines apply for local jurisdictions to adopt boundaries.

While the Legislature has approved bills in recent years to permit local jurisdictions to create redistricting commissions, the rules that govern the redistricting process itself generally have not been changed in years or even decades. The criteria that must be used for drawing county supervisorial districts, for example, has largely been unchanged since at least 1947 (the only notable change since that time was an update to state law to require that supervisorial districts comply with the federal Voting Rights Act).

This bill seeks to standardize redistricting procedures and requirements for counties and cities, including imposing significant new public hearing, outreach, notice, and transparency requirements. Under this bill, counties and cities would be required to hold at least four hearings, including at least one hearing or workshop on a weekend or after 6 p.m. on a weekday. Counties and cities would additionally be required to provide live translations of hearings – if requested 72 hours in advance – into languages other than English in certain situations.

Please see the policy committee analysis for a full discussion of this bill.

According to the Author:

"AB 849 would reform California's local redistricting laws to improve criteria, transparency and public engagement. AB 849 demonstrates our State's commitment that representative and inclusive democracy matters at all levels of government, including local. These reforms will result in a redistricting process that is fairer to California's diverse communities, more transparent, better organized, and more consistently-applied across all local governments."

Arguments in Support:

In support of a prior version of this bill, California Common Cause wrote "AB 849 establishes fair criteria for redistricting that puts neighborhoods and communities first; adds outreach and hearing requirements so that all residents – including working and non-English-speaking Californians – can have a say in how their districts are drawn; and modifies the timing of local redistricting to better align with the moving up of the State Primary. If enacted, AB 849 would be one of the most meaningful reforms of the local redistricting process in the past several decades."

Arguments in Opposition:

In opposition to a prior version of this bill, the City of Pasadena wrote, "AB 849 mandates changes to the criteria considered for redistricting and, more importantly, establishes an inflexible order of priorities by which said criteria must be considered by charter cities when establishing voting district boundaries. Establishing this set priority would remove virtually all local discretion on essential aspects of how our local communities function. For example, AB 849 would elevate 'communities of interest' over boundaries by streets, leaving cities like Pasadena little to no leeway to prioritize a street boundary that has dramatically shaped Pasadena since its inception. In this way, AB 849 would create confusion and implementation challenges for not only Pasadena, but other cities and counties in California."

FISCAL COMMENTS:

According to the Senate Appropriations Committee:

- 1) The SOS indicates that its costs to implement this bill would be minor and absorbable.

- 2) By requiring local governments to comply with new local redistricting requirements, this bill creates a state-mandated local program. To the extent that the Commission on State Mandates determines the provisions of this bill create a new program or impose a higher level of service, local agencies may seek reimbursement for those costs (General Fund). The decennial amount is unknown, but would likely be in the hundreds of thousands of dollars, potentially reaching the low millions of dollars.

VOTES:

ASM ELECTIONS AND REDISTRICTING: 5-2-0

YES: Berman, Calderon, Low, Mullin, Weber

NO: Gallagher, Mayes

ASM LOCAL GOVERNMENT: 6-2-0

YES: Aguiar-Curry, Bloom, Boerner Horvath, Ramos, Luz Rivas, Robert Rivas

NO: Lackey, Voepel

ASM APPROPRIATIONS: 13-5-0

YES: Gonzalez, Bloom, Bonta, Calderon, Carrillo, Chau, Eggman, Gabriel, Eduardo Garcia, Maienschein, Petrie-Norris, Quirk, Robert Rivas

NO: Bigelow, Brough, Diep, Fong, Obernolte

ASSEMBLY FLOOR: 55-20-5

YES: Aguiar-Curry, Arambula, Bauer-Kahan, Berman, Bloom, Boerner Horvath, Bonta, Burke, Calderon, Carrillo, Cervantes, Chau, Chiu, Chu, Cooper, Eggman, Friedman, Gabriel, Cristina Garcia, Gipson, Gloria, Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Levine, Limón, Low, Maienschein, McCarty, Medina, Mullin, Nazarian, O'Donnell, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez,

Blanca Rubio, Salas, Santiago, Smith, Mark Stone, Ting, Weber, Wicks, Wood, Rendon

NO: Bigelow, Brough, Chen, Choi, Cunningham, Dahle, Diep, Flora, Fong, Frazier, Gallagher, Kiley, Lackey, Mathis, Mayes, Melendez, Obernolte, Patterson, Voepel, Waldron

ABS, ABST OR NV: Cooley, Daly, Eduardo Garcia, Kamlager-Dove, Muratsuchi

SENATE FLOOR: 29-10-1

YES: Allen, Archuleta, Atkins, Beall, Bradford, Caballero, Dodd, Durazo, Galgiani, Glazer, Lena Gonzalez, Hertzberg, Hill, Hueso, Hurtado, Jackson, Leyva, McGuire, Mitchell, Monning, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener

NO: Bates, Borgeas, Chang, Dahle, Grove, Jones, Moorlach, Morrell, Stone, Wilk

ABS, ABST OR NV: Nielsen

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VERSION: September 4, 2019

CONSULTANT: Ethan Jones / E. & R. / (916) 319-2094

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