

AMENDED IN ASSEMBLY JUNE 14, 2018
AMENDED IN ASSEMBLY JUNE 6, 2018
AMENDED IN SENATE MAY 15, 2018
AMENDED IN SENATE APRIL 4, 2018
AMENDED IN SENATE MARCH 22, 2018
AMENDED IN SENATE MARCH 12, 2018

SENATE BILL

No. 1018

Introduced by Senator Allen

February 7, 2018

An act to amend Sections 23000, 23001, 23002, and 23003 of, and to add Section 23004 to, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1018, as amended, Allen. Elections: state and local reapportionment.

Existing law authorizes a local jurisdiction, defined as a county or general law city, to establish by resolution or ordinance a commission, composed of residents of the local jurisdiction, to either change the boundaries of the districts of the local jurisdiction's legislative body or recommend to the governing body changes to the boundaries of the districts. Existing law defines a "legislative body" for these purposes to mean either a city council of a general law city or a county board of supervisors.

For a commission that recommends changes to district boundaries, defined as an advisory redistricting commission, existing law prohibits 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 from being appointed to serve on the commission, and requires the commission to submit a report to the legislative body of its findings on the need for changes to the boundaries and its recommended changes, within a specified time after the federal decennial census, as specified.

For a commission empowered to change district boundaries, defined as an independent redistricting commission, existing law authorizes the local jurisdiction to prescribe the manner in which members are appointed to the commission, provided that the jurisdiction uses an application process open to all eligible residents. Existing law disqualifies a person or a family member of a person from being appointed to the commission if he or she has engaged in specified activities during the 8 years preceding his or her appointment. Existing law also prohibits a commission member from engaging in specified activities, such as accepting an appointment to an office of the local jurisdiction, *jurisdiction for 4 years, commencing with years after the date of his or her appointment. appointment, or from being a candidate for elective office of the local jurisdiction for 10 years after the date of his or her appointment.* Existing law authorizes an independent redistricting commission to impose additional qualifications or restrictions on members of the commission in excess of these provisions. Existing law requires a commission to adopt new boundaries within a specified period of time after the federal decennial census. Existing law prohibits a commission from drawing districts for the purpose of favoring or discriminating against an incumbent or political candidate.

This bill would authorize a local jurisdiction to establish a commission by charter amendment. The bill would authorize a local jurisdiction to establish a hybrid redistricting commission, as defined. The bill would, for an advisory redistricting commission, authorize a local jurisdiction to impose additional qualifications and restrictions on the commission, members of the commission, or applicants to the commission in excess of those described above. The bill would eliminate the requirement that an advisory redistricting commission submit a report on its findings and recommended changes within a specified time after the federal decennial census.

This bill would, for an independent redistricting commission or a hybrid redistricting commission, prohibit the direct appointment of members of the commission by the legislative body or an elected official of the local jurisdiction. The bill would clarify that a person is

disqualified from being appointed to the commission if that person or a family member of that person engages in specified activities preceding the date of that person's appointment. The bill would reduce to 4 years the time period for certain activities of a family member of a person, other than his or her spouse or registered domestic partner, that would disqualify that person from appointment to the commission. The bill would instead prohibit a commission member from accepting an appointment to an office of the local jurisdiction for 2 years, commencing with the date of his or her appointment. *The bill would instead prohibit a member from being a candidate for elective office of the local jurisdiction if less than 5 years have elapsed since the date of his or her appointment or if the commission on which the member served adopted or recommended the district boundaries to be used for the election, as specified.* The bill would eliminate the requirement that the commission adopt new boundaries within a specified period after the federal decennial census and instead subject the commission to the same redistricting deadlines, requirements, and restrictions that would otherwise apply to a legislative body. The bill would prohibit a legislative body from altering district boundaries that it or a hybrid or independent redistricting commission has adopted until after the next federal decennial census following the adoption of the ~~boundaries~~. *boundaries, except as specified.* The bill would additionally prohibit a commission from drawing districts for the purpose of favoring or discriminating against a political party. The bill would authorize a commission to impose additional requirements and restrictions on a commission or applicants to a commission in excess of these provisions. The bill would authorize a local jurisdiction, except a county, to contract with a county in which the local jurisdiction is located that has established a commission empowered to change district boundaries to have that commission adopt the local jurisdiction's election district boundaries, as specified. The bill would apply the provisions applicable to an independent redistricting commission to a hybrid redistricting commission, as defined. The bill would define "redistricting," for the purposes of these provisions and those described above, to mean either districting or redistricting. The bill would expand the definition of "legislative body" to include a governing board of a school district, a governing board of a community college district, or an elected governing board of a special district. The bill would expand the definition of a "local jurisdiction" to include a school district, community college district, or special district.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 23000 of the Elections Code is amended
2 to read:
3 23000. For purposes of this chapter, the following terms have
4 the following meanings:
5 (a) “Advisory redistricting commission” means a body that
6 recommends to a legislative body placement of the district
7 boundaries for that legislative body.
8 (b) “Family member” means a spouse, parent, sibling, child, or
9 in-law.
10 (c) “Hybrid redistricting commission” means a body that
11 recommends to a legislative body two or more maps for the
12 placement of the district boundaries for that legislative body, where
13 the legislative body must adopt one of those maps without
14 modification, except as may be required to comply with state or
15 federal law.
16 (d) “Independent redistricting commission” means a body, other
17 than a legislative body, that is empowered to adopt the district
18 boundaries of a legislative body.
19 (e) “Legislative body” means a county board of supervisors, a
20 city council of a general law city, a governing board of a school
21 district, a governing board of a community college district, or an
22 elected governing board of a special district.
23 (f) “Local jurisdiction” means a county, general law city, school
24 district, community college district, or special district.
25 (g) “Redistricting” means either districting or redistricting.
26 (h) “Spouse” means a spouse or registered domestic partner.
27 SEC. 2. Section 23001 of the Elections Code is amended to
28 read:
29 23001. A local jurisdiction may establish by resolution,
30 ordinance, or charter amendment an independent redistricting
31 commission, a hybrid redistricting commission, or an advisory
32 redistricting commission composed of residents of the local
33 jurisdiction to change the legislative body’s district boundaries or
34 to recommend to the legislative body changes to those district
35 boundaries.

1 SEC. 3. Section 23002 of the Elections Code is amended to
2 read:

3 23002. (a) This section applies to advisory redistricting
4 commissions.

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

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

12 (d) A local jurisdiction may impose additional requirements or
13 restrictions on the commission, members of the commission, or
14 applicants to the commission in excess of those prescribed by this
15 section.

16 SEC. 4. Section 23003 of the Elections Code is amended to
17 read:

18 23003. (a) This section applies to hybrid redistricting
19 commissions and independent redistricting commissions.

20 (b) Notwithstanding any other law, the local jurisdiction may
21 prescribe the manner in which members are appointed to the
22 commission, provided that the jurisdiction uses an application
23 process open to all eligible residents and provided that the
24 commissioners are not directly appointed by the legislative body
25 or an elected official of the local jurisdiction.

26 (c) A person shall not be appointed to serve on the commission
27 if the person or any family member of the person has been elected
28 or appointed to, or been a candidate for, an elective office of the
29 local jurisdiction in the eight years preceding the person's
30 application.

31 (d) A person shall not be appointed to serve on the commission
32 if either of the following applies:

33 (1) The person or his or her spouse has done any of the following
34 in the eight years preceding the person's application:

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

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

- 1 (C) Served as a staff member or a consultant to, or who has
- 2 contracted with, a currently serving elected officer of the local
- 3 jurisdiction.
- 4 (D) Been registered to lobby the local jurisdiction.
- 5 (E) Contributed five hundred dollars (\$500) or more in a year
- 6 to any candidate for an elective office of the local jurisdiction. The
- 7 local jurisdiction may adjust this amount by the cumulative change
- 8 in the California Consumer Price Index, or its successor, in every
- 9 year ending in zero.
- 10 (2) A family member of the person, other than his or her spouse,
- 11 has done any of the following in the four years preceding the
- 12 person’s application:
 - 13 (A) Served as an officer of, employee of, or paid consultant to,
 - 14 a campaign committee or a candidate for elective office of the
 - 15 local jurisdiction.
 - 16 (B) Served as an officer of, employee of, or paid consultant to,
 - 17 a political party or as an elected or appointed member of a political
 - 18 party central committee.
 - 19 (C) Served as a staff member of or consultant to, or has
 - 20 contracted with, a currently serving elected officer of the local
 - 21 jurisdiction.
 - 22 (D) Been registered to lobby the local jurisdiction.
 - 23 (E) Contributed five hundred dollars (\$500) or more in a year
 - 24 to any candidate for an elective office of the local jurisdiction. The
 - 25 local jurisdiction may adjust this amount by the cumulative change
 - 26 in the California Consumer Price Index, or its successor, in every
 - 27 year ending in zero.
 - 28 (e) A member of the commission shall not do any of the
 - 29 following:
 - 30 (1) While serving on the commission, endorse, work for,
 - 31 volunteer for, or make a campaign contribution to, a candidate for
 - 32 an elective office of the local jurisdiction.
 - 33 (2) Be a candidate for an elective office of the local jurisdiction
 - 34 ~~for 10 years commencing with the date of his or her appointment~~
 - 35 ~~to the commission.~~ *if any of the following is true:*
 - 36 (A) *Less than five years has elapsed since the date of the*
 - 37 *member’s appointment to the commission.*
 - 38 (B) *The election for that office will be conducted using district*
 - 39 *boundaries that were adopted by the commission on which the*
 - 40 *member served, and those district boundaries have not been*

1 *subsequently readopted by a commission after the end of the*
2 *member's term on the commission.*

3 (C) *The election for that office will be conducted using district*
4 *boundaries that were adopted by a legislative body pursuant to a*
5 *recommendation by the commission on which the member served,*
6 *and those district boundaries have not been subsequently readopted*
7 *by a legislative body pursuant to a recommendation by a*
8 *commission after the end of the member's term on the commission.*

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

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

14 (B) Receive a noncompetitively bid contract with the local
15 jurisdiction.

16 (C) Register as a lobbyist for the local jurisdiction.

17 (4) For two years commencing with the date of his or her
18 appointment to the commission, accept an appointment to an office
19 of the local jurisdiction.

20 (f) The commission shall not be comprised entirely of members
21 who are registered to vote with the same political party preference.

22 (g) Each member of the commission shall be a designated
23 employee in the conflict of interest code for the commission
24 pursuant to Article 3 (commencing with Section 87300) of Chapter
25 7 of Title 9 of the Government Code.

26 (h) The commission is subject to the Ralph M. Brown Act
27 (Chapter 9 (commencing with Section 54950) of Part 1 of Division
28 2 of Title 5 of the Government Code) and the California Public
29 Records Act (Chapter 3.5 (commencing with Section 6250) of
30 Division 7 of Title 1 of the Government Code).

31 (i) The commission shall be subject to the same redistricting
32 deadlines, requirements, and restrictions that would otherwise
33 apply to a legislative body. A local jurisdiction may also impose
34 additional requirements and restrictions on the commission, on
35 members of the commission, or on applicants to the commission
36 in excess of those prescribed by this section.

37 (j) The commission shall publish a map of the proposed new
38 district boundaries and make that map available to the public for
39 at least seven days before that map may be adopted. The

1 commission shall hold at least three public hearings preceding the
2 hearing at which the new boundaries are adopted.

3 (k) The commission shall not draw districts for the purpose of
4 favoring or discriminating against a political party or an incumbent
5 or political candidate.

6 (l) District boundaries adopted by an independent redistricting
7 commission or adopted by a legislative body from
8 recommendations provided by a hybrid redistricting commission,
9 shall not be altered by the legislative body or the commission until
10 after the next federal decennial census ~~occurs~~: *occurs, unless those*
11 *boundaries have been invalidated by a final judgment or order of*
12 *a court of competent jurisdiction.*

13 (m) *For the purposes of subdivisions (c) and (d), “local*
14 *jurisdiction” does not include a local jurisdiction that contracts*
15 *with a county independent redistricting commission pursuant to*
16 *Section 23004.*

17 SEC. 5. Section 23004 is added to the Elections Code, to read:
18 23004. A local jurisdiction, except for a county, may contract
19 with a county in which the local jurisdiction is partially or wholly
20 located that has established an independent redistricting
21 commission to have that commission adopt the local jurisdiction’s
22 election district boundaries. The county independent redistricting
23 commission shall hold at least three public hearings in the local
24 jurisdiction before adopting those boundaries.