SENATE BILL   No. 594

Introduced by Senator Glazer

February 18, 2021

~~An act relating to elections.~~ *An act to amend Sections 21500, 21509, 21601, 21609, 21621, and 21629 of the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 594, as amended, Glazer. Elections: local redistricting.

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. If a legislative body does not adopt district boundaries by a specified deadline, existing law requires the legislative body, and authorizes a resident of the county or city, to petition the superior court for an order adopting boundaries. Existing law provides that the superior court's order is immediately effective in the same manner as an enacted ordinance or resolution of the legislative body.

This bill would clarify that "adopting" district boundaries for these purposes means the passage of an ordinance or resolution specifying those boundaries. The bill would expressly authorize a county board of supervisors to adopt supervisorial district boundaries by ordinance or resolution. The bill would also clarify that a superior court's order adopting district boundaries is immediately effective and has the same force and effect as an enacted ordinance or resolution of the legislative body.

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

~~Existing law prescribes various requirements, procedures, and limitations with respect to adjusting a legislative body's district boundaries.~~

~~This bill would state the intent of the Legislature to enact legislation that would mitigate issues surrounding the potential delay in the release of census data and the effect of that delay on local redistricting.~~

Vote: ~~majority~~ *⅔*. 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 21500 of the Elections Code is amended*
2 *to read:*
3   21500. (a) Following a county's decision to elect its board
4 using district-based elections, or following each federal decennial
5 census for a county whose board is already elected using
6 district-based elections, the board ~~shall~~ *shall, by ordinance or*
7 *resolution,* adopt boundaries for all of the supervisorial districts
8 of the county so that the supervisorial districts shall be substantially
9 equal in population as required by the United States Constitution.
10   (1) Population equality shall be based on the total population
11 of residents of the county as determined by the most recent federal
12 decennial census for which the redistricting data described in Public
13 Law 94-171 are available.
14   (2) Notwithstanding paragraph (1), an incarcerated person, as
15 that term is used in Section 21003, shall not be counted towards
16 a county's population, except for an incarcerated person whose
17 last known place of residence may be assigned to a census block
18 in the county, if information about the last known place of
19 residence for incarcerated persons is included in the computerized
20 database for redistricting that is developed in accordance with
21 subdivision (b) of Section 8253 of the Government Code, and that
22 database is made publicly available.
23   (b) The board shall adopt supervisorial district boundaries that
24 comply with the United States Constitution, the California
25 Constitution, and the federal Voting Rights Act of 1965 (52 U.S.C.
26 Sec. 10301 et seq.).

1   (c) The board shall adopt supervisorial district boundaries using
2   the following criteria as set forth in the following order of priority:
3   (1) To the extent practicable, supervisorial districts shall be
4   geographically contiguous. Areas that meet only at the points of
5   adjoining corners are not contiguous. Areas that are separated by
6   water and not connected by a bridge, tunnel, or regular ferry service
7   are not contiguous.
8   (2) To the extent practicable, the geographic integrity of any
9   local neighborhood or local community of interest shall be
10   respected in a manner that minimizes its division. A "community
11   of interest" is a population that shares common social or economic
12   interests that should be included within a single supervisorial
13   district for purposes of its effective and fair representation.
14   Communities of interest do not include relationships with political
15   parties, incumbents, or political candidates.
16   (3) To the extent practicable, the geographic integrity of a city
17   or census designated place shall be respected in a manner that
18   minimizes its division.
19   (4) Supervisorial district boundaries should be easily identifiable
20   and understandable by residents. To the extent practicable,
21   supervisorial districts shall be bounded by natural and artificial
22   barriers, by streets, or by the boundaries of the county.
23   (5) To the extent practicable, and where it does not conflict with
24   the preceding criteria in this subdivision, supervisorial districts
25   shall be drawn to encourage geographical compactness in a manner
26   that nearby areas of population are not bypassed in favor of more
27   distant populations.
28   (d) The board shall not adopt supervisorial district boundaries
29   for the purpose of favoring or discriminating against a political
30   party.
31   *(e) For purposes of this chapter, "adopt" or "adoption" in*
32   *regard to supervisorial district boundaries means the passage of*
33   *an ordinance or resolution specifying those boundaries.*
34   *SEC. 2. Section 21509 of the Elections Code is amended to*
35   *read:*
36   21509. (a) If the board does not adopt supervisorial district
37   boundaries by the deadlines set forth in Section 21501, the board
38   shall immediately petition the superior court of the county for an
39   order adopting supervisorial district boundaries. If the board does
40   not petition the superior court within five days after the deadline,

1 any resident of the county may file that petition and shall be entitled
2 to recover the resident's reasonable attorney's fees and costs from
3 the county for doing so.
4   (b) (1) Upon finding that a petition filed pursuant to subdivision
5 (a) is valid, the superior court shall adopt supervisorial district
6 boundaries in accordance with the criteria set forth in Section
7 21500, which shall be used in the county's next regular election.
8 The superior court may also order the adjustment of electoral
9 deadlines as necessary to implement the new supervisorial district
10 boundaries in the next regular election.
11   (2) The superior court may appoint a special master to assist
12 the court with adopting the supervisorial district boundaries. The
13 county shall pay the cost for the special master and associated
14 costs.
15   (3) The superior court or the special master shall hold one or
16 more public hearings before the superior court adopts the
17 supervisorial district boundaries.
18   (4) Subject to the approval of the superior court, the special
19 master may employ redistricting experts or other consultants or
20 counsel, independent experts in the field of redistricting and
21 computer technology, and other necessary personnel to assist them
22 in their work. In addition, the special master may seek the full
23 cooperation of the county in producing and using whatever data,
24 computer models and programs, and technical assistance that was
25 made available to the board and county personnel who are
26 knowledgeable in the mechanics of drafting redistricting legislation.
27 The superior court may assist the special master in securing the
28 necessary personnel and the physical facilities required for their
29 work, and to prepare for the prompt submission to the county of
30 a request for county funding for the necessary expenses of the
31 special master and the special master's staff.
32   (5) The supervisorial district boundaries adopted by the superior
33 court shall be immediately effective ~~in the same manner as if the~~
34 ~~court's order were~~ *and shall have the same force and effect as* an
35 enacted resolution or ordinance of the board.
36   *SEC. 3. Section 21601 of the Elections Code is amended to*
37 *read:*
38   21601. (a) Following a city's decision to elect its council using
39 district-based elections, or following each federal decennial census
40 for a city whose council is already elected using district-based

1   elections, the council shall, by ordinance or resolution, adopt
2   boundaries for all of the council districts of the city so that the
3   council districts shall be substantially equal in population as
4   required by the United States Constitution.
5   (1) Population equality shall be based on the total population
6   of residents of the city as determined by the most recent federal
7   decennial census for which the redistricting data described in Public
8   Law 94-171 are available.
9   (2) Notwithstanding paragraph (1), an incarcerated person as
10 that term is used in Section 21003, shall not be counted towards
11 a city's population, except for an incarcerated person whose last
12 known place of residence may be assigned to a census block in
13 the city, if information about the last known place of residence for
14 incarcerated persons is included in the computerized database for
15 redistricting that is developed in accordance with subdivision (b)
16 of Section 8253 of the Government Code, and that database is
17 made publicly available.
18   (b) The council shall adopt council district boundaries that
19 comply with the United States Constitution, the California
20 Constitution, and the federal Voting Rights Act of 1965 (52 U.S.C.
21 Sec. 10301 et seq.).
22   (c) The council shall adopt district boundaries using the
23 following criteria as set forth in the following order of priority:
24   (1) To the extent practicable, council districts shall be
25 geographically contiguous. Areas that meet only at the points of
26 adjoining corners are not contiguous. Areas that are separated by
27 water and not connected by a bridge, tunnel, or regular ferry service
28 are not contiguous.
29   (2) To the extent practicable, the geographic integrity of any
30 local neighborhood or local community of interest shall be
31 respected in a manner that minimizes its division. A "community
32 of interest" is a population that shares common social or economic
33 interests that should be included within a single district for purposes
34 of its effective and fair representation. Communities of interest do
35 not include relationships with political parties, incumbents, or
36 political candidates.
37   (3) Council district boundaries should be easily identifiable and
38 understandable by residents. To the extent practicable, council
39 districts shall be bounded by natural and artificial barriers, by
40 streets, or by the boundaries of the city.

1   (4) To the extent practicable, and where it does not conflict with
2 the preceding criteria in this subdivision, council districts shall be
3 drawn to encourage geographical compactness in a manner that
4 nearby areas of population are not bypassed in favor of more distant
5 populations.
6   (d) The council shall not adopt council district boundaries for
7 the purpose of favoring or discriminating against a political party.
8   *(e) For purposes of this article, "adopt" or "adoption" in*
9 *regard to council district boundaries means the passage of an*
10 *ordinance or resolution specifying those boundaries.*
11   *SEC. 4. Section 21609 of the Elections Code is amended to*
12 *read:*
13   21609.   (a) If the council does not adopt council district
14 boundaries by the deadlines set forth in Section 21602, the council
15 shall immediately petition the superior court in the county in which
16 the city is located for an order adopting council district boundaries.
17 If the council does not petition the superior court within five days
18 after the deadline, any resident of the city may file that petition
19 and shall be entitled to recover the resident's reasonable attorney's
20 fees and costs from the city for doing so.
21   (b) (1) Upon finding that a petition filed pursuant to subdivision
22 (a) is valid, the superior court shall adopt council district
23 boundaries in accordance with the criteria set forth in Section
24 21601, which shall be used in the city's next regular election. The
25 superior court may also order the adjustment of electoral deadlines
26 as necessary to implement the new council district boundaries in
27 the next regular election.
28   (2) The superior court may appoint a special master to assist
29 the court with adopting the council district boundaries. The city
30 shall pay the cost for the special master and associated costs.
31   (3) The superior court or the special master shall hold one or
32 more public hearings before the superior court adopts the council
33 district boundaries.
34   (4) Subject to the approval of the superior court, the special
35 master may employ redistricting experts or other consultants or
36 counsel, independent experts in the field of redistricting and
37 computer technology, and other necessary personnel to assist them
38 in their work. In addition, the special master may seek the full
39 cooperation of the city in producing and using whatever data,
40 computer models and programs, and technical assistance that was

1 made available to the council and city personnel who are
2 knowledgeable in the mechanics of drafting redistricting legislation.
3 The superior court may assist the special master in securing the
4 necessary personnel and the physical facilities required for their
5 work, and to prepare for the prompt submission to the city of a
6 request for city funding for the necessary expenses of the special
7 master and the special master's staff.
8   (5) The council district boundaries adopted by the superior court
9 shall be immediately effective ~~in the same manner as if the court's~~
10 ~~order were~~ *and shall have the same force and effect as* an enacted
11 resolution or ordinance of the city council.
12   *SEC. 5. Section 21621 of the Elections Code is amended to*
13 *read:*
14   21621. (a) Following a city's decision to elect its council using
15 district-based elections, or following each federal decennial census
16 for a city whose council is already elected using district-based
17 elections, the council shall, by ordinance or resolution, adopt
18 boundaries for all of the council districts of the city so that the
19 council districts shall be substantially equal in population as
20 required by the United States Constitution.
21   (1) Population equality shall be based on the total population
22 of residents of the city as determined by the most recent federal
23 decennial census for which the redistricting data described in Public
24 Law 94-171 are available.
25   (2) Notwithstanding paragraph (1), an incarcerated person, as
26 that term is used in Section 21003, shall not be counted towards
27 a city's population, except for an incarcerated person whose last
28 known place of residence may be assigned to a census block in
29 the city, if information about the last known place of residence for
30 incarcerated persons is included in the computerized database for
31 redistricting that is developed in accordance with subdivision (b)
32 of Section 8253 of the Government Code, and that database is
33 made publicly available.
34   (b) The council shall adopt council district boundaries that
35 comply with the United States Constitution, the California
36 Constitution, and the federal Voting Rights Act of 1965 (52 U.S.C.
37 Sec. 10301 et seq.).
38   (c) The council shall adopt district boundaries using the
39 following criteria as set forth in the following order of priority:

1   (1) To the extent practicable, council districts shall be
2 geographically contiguous. Areas that meet only at the points of
3 adjoining corners are not contiguous. Areas that are separated by
4 water and not connected by a bridge, tunnel, or regular ferry service
5 are not contiguous.
6   (2) To the extent practicable, the geographic integrity of any
7 local neighborhood or local community of interest shall be
8 respected in a manner that minimizes its division. A "community
9 of interest" is a population that shares common social or economic
10 interests that should be included within a single district for purposes
11 of its effective and fair representation. Communities of interest do
12 not include relationships with political parties, incumbents, or
13 political candidates.
14   (3) Council district boundaries should be easily identifiable and
15 understandable by residents. To the extent practicable, council
16 districts shall be bounded by natural and artificial barriers, by
17 streets, or by the boundaries of the city.
18   (4) To the extent practicable, and where it does not conflict with
19 the preceding criteria in this subdivision, council districts shall be
20 drawn to encourage geographical compactness in a manner that
21 nearby areas of population are not bypassed in favor of more distant
22 populations.
23   (d) The council shall not adopt council district boundaries for
24 the purpose of favoring or discriminating against a political party.
25   (e) Subdivision (c) does not apply to a charter city that has
26 adopted comprehensive or exclusive redistricting criteria in its city
27 charter. For purposes of this subdivision, "comprehensive or
28 exclusive" means either that the city's charter excludes
29 consideration of redistricting criteria other than those that are
30 identified in the city charter or that the city's charter provides two
31 or more traditional criteria for redistricting other than the
32 requirement that districts be equal in population.
33   *(f) For purposes of this article, "adopt" or "adoption" in regard*
34 *to council district boundaries means the passage of an ordinance*
35 *or resolution specifying those boundaries.*
36   *SEC. 6. Section 21629 of the Elections Code is amended to*
37 *read:*
38   21629. (a) If the council does not adopt council district
39 boundaries by the deadlines set forth in Section 21622, the council
40 shall immediately petition the superior court in the county in which

1   the city is located for an order adopting council district boundaries.
2   If the council does not petition the superior court within five days
3   after the deadline, any resident of the city may file that petition
4   and shall be entitled to recover the resident's reasonable attorney's
5   fees and costs from the city for doing so.
6   (b) (1) Upon finding that a petition filed pursuant to subdivision
7   (a) is valid, the superior court shall adopt council district
8   boundaries in accordance with the criteria set forth in Section
9   21621, which shall be used in the city's next regular election. The
10 superior court may also order the adjustment of electoral deadlines
11 as necessary to implement the new council district boundaries in
12 the next regular election.
13   (2) The superior court may appoint a special master to assist
14 the court with adopting the council district boundaries. The city
15 shall pay the cost for the special master and associated costs.
16   (3) The superior court or the special master shall hold one or
17 more public hearings before the superior court adopts the council
18 district boundaries.
19   (4) Subject to the approval of the superior court, the special
20 master may employ redistricting experts or other consultants or
21 counsel, independent experts in the field of redistricting and
22 computer technology, and other necessary personnel to assist them
23 in their work. In addition, the special master may seek the full
24 cooperation of the city in producing and using whatever data,
25 computer models and programs, and technical assistance that was
26 made available to the council and city personnel who are
27 knowledgeable in the mechanics of drafting redistricting legislation.
28 The superior court may assist the special master in securing the
29 necessary personnel and the physical facilities required for their
30 work, and to prepare for the prompt submission to the city of a
31 request for city funding for the necessary expenses of the special
32 master and the special master's staff.
33   (5) The council district boundaries adopted by the superior court
34 shall be immediately effective ~~in the same manner as if the court's~~
35 ~~order were~~ *and shall have the same force and effect as* an enacted
36 resolution or ordinance of the city council.
37   (c) This section does not apply to a charter city that has adopted
38 in its city charter a different method for adopting city council
39 district boundaries when a redistricting deadline is missed.

1   *SEC. 7. This act is an urgency statute necessary for the*
2 *immediate preservation of the public peace, health, or safety within*
3 *the meaning of Article IV of the California Constitution and shall*
4 *go into immediate effect. The facts constituting the necessity are:*
5   *In order for the changes made by this act to aid cities and*
6 *counties in undertaking the redistricting process in 2021, it is*
7 *necessary that this act take effect immediately.*
8   ~~SECTION 1. It is the intent of the Legislature to enact~~
9 ~~legislation that would mitigate issues surrounding the potential~~
10 ~~delay in the release of data from the United States Census and the~~
11 ~~effect of that delay on local redistricting.~~

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