

Elections Code - ELEC

DIVISION 21. STATE AND LOCAL REAPPORTIONMENT [21000 - 23003] (Division 21 enacted by Stats. 1994, Ch. 920, Sec. 2.)

CHAPTER 1. General Provisions [21000 - 21003] (Chapter 1 enacted by Stats. 1994, Ch. 920, Sec. 2.)

21000.

The county elections official in each county shall compile and make available to the Legislature or any appropriate committee of the Legislature any information and statistics that may be necessary for use in connection with the reapportionment of legislative districts, including, but not limited to, precinct maps indicating the boundaries of municipalities, school districts, judicial districts, Assembly districts, senatorial districts, and congressional districts, lists showing the election returns for each precinct, and election returns for each precinct reflecting the vote total for all ballots cast, including both vote by mail ballots and ballots cast at polling places, compiled pursuant to Section 15321 in the county at each statewide election. If the county elections official stores the information and statistics in data-processing files, he or she shall make the files available, along with whatever documentation shall be necessary in order to allow the use of the files by the appropriate committee of the Legislature and shall retain these files until the next reapportionment has been completed.

(Amended by Stats. 2013, Ch. 76, Sec. 58. (AB 383) Effective January 1, 2014.)

21001.

(a) Appropriate committees of the Legislature shall prepare detailed maps showing the boundaries of any districts established by this division on or after January 1, 1991. These maps shall be prepared no later than 90 days following the enactment of any redistricting plan pursuant to this division, and shall illustrate the boundary lines of every district described in the redistricting plan. The maps shall be provided to the Secretary of State for distribution in accordance with subdivisions (b) and (c), and to the county elections officials for use in their administrative functions involved in the conduct of elections, not later than the first day on which in-lieu-filing-fee petitions may be obtained for the 2002 direct primary election.

(b) The Secretary of State shall 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 or maps of his or her district. One copy of the entire set of maps for the Assembly shall be provided to the Assembly Committee on Rules, one copy of the entire set of maps for the Senate shall be provided to the Senate Committee on Rules, and one copy of the entire set of maps for the State Board of Equalization shall be provided to the State Board of Equalization.

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

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

(Amended by Stats. 2000, Ch. 1081, Sec. 23. Effective January 1, 2001.)

21002.

Each house of the Legislature shall be a proper party to, and, if not originally named as a party, shall have the right to intervene in, any action involving the validity or application of any statute that provides for changes in the boundaries of any legislative districts of members of that particular house.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

21003.

(a) (1) Not sooner than April 1, 2020, and not later than July 1, 2020, 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 April 1, 2020. For purposes of this section, a "state correctional facility" means a facility under the control of the Department of Corrections and Rehabilitation.

(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) In 2030 and in each year ending in the number zero thereafter, the Department of Corrections and Rehabilitation shall furnish, in the form of a single electronic file for each database maintained by the Department, the information specified in paragraphs (1) and (2) for each inmate incarcerated in a state correctional facility on the decennial Census Day to the Legislature and the Citizens Redistricting Commission not sooner than the decennial Census Day and not later than 90 days thereafter.

(4) 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 Legislature hereby requests the Citizens Redistricting Commission to deem each incarcerated person as residing at his or her last known place of residence, rather than at the institution of his or her incarceration, and to use the information furnished to it pursuant to subdivision (a) in carrying out its redistricting responsibilities under Article XXI of the California Constitution. The Legislature also requests the Citizens Redistricting Commission to 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) 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.

(Amended by Stats. 2018, Ch. 232, Sec. 1. (AB 2172) Effective January 1, 2019.)

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DIVISION 21. STATE AND LOCAL REAPPORTIONMENT [21000 - 23003] (Division 21 enacted by Stats. 1994, Ch. 920, Sec. 2.)

CHAPTER 6. Supervisorial Districts [21500 - 21507] (Chapter 6 enacted by Stats. 1994, Ch. 920, Sec. 2.)

21500.

Following each decennial federal census, and using that census as a basis, the board shall adjust the boundaries of any or all of the supervisorial districts of the county so that the supervisorial districts shall be as nearly equal in population as may be and shall comply with the applicable provisions of Section 10301 of Title 52 of the United States Code, as amended. In establishing the boundaries of the supervisorial districts the board may give consideration to the following factors: (a) topography, (b) geography, (c) cohesiveness, contiguity, integrity, and compactness of territory, and (d) community of interests of the supervisorial districts.

(Amended by Stats. 2015, Ch. 732, Sec. 36. (AB 1536) Effective January 1, 2016.)

21501.

The boundaries of the supervisorial districts shall be adjusted by the board before the first day of November of the year following the year in which each decennial federal census is taken. If the board fails to adjust the boundaries before the first day of November following the year in which the federal census is taken, a supervisorial redistricting commission shall do so before the 31st day of December of the same year. The adjustment of the district boundaries shall be immediately effective the same as if the act of the supervisorial redistricting commission were an ordinance of the board, subject, however, to the same provisions of referendum as apply to ordinances of the board.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

21502.

The supervisorial redistricting commission shall be composed of the district attorney, who shall be chairman, the county assessor, and the county elections official if he or she is elected by the qualified electors of the county, or, if not, the county superintendent of schools if he or she is elected by the qualified electors of the county, or, if not, the sheriff.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

21503.

At any time between the decennial adjustments of district boundaries, the board may cause a census of the county to be taken as provided in Section 26203 of the Government Code, and may adjust the boundaries of the supervisorial districts on the basis of that census, or on the basis of population estimates prepared by the State Department of Finance or the county planning department or planning commission, pursuant to Section 21500.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

21504.

Any person claiming that the estimates of population used in the redistricting pursuant to Section 21503 do not reflect the current population within the district boundaries more accurately than the most recent census data, may commence an action in the superior court in declaratory relief to determine that fact. The action shall be brought within 30 days after the adoption of the redistricting ordinance.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

21506.

The term of office of any supervisor who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the district from which he or she was elected.

At the first election for county supervisors in each county following adjustment of the boundaries of supervisorial districts, a supervisor shall be elected for each district under the readjusted district plan that has the same district number as a district whose incumbent's term is due to expire.

A change in the boundaries of a supervisorial district shall not be made within 45 days before the first day for circulating nomination papers for an election of supervisors in the county or between the direct primary election and the general election.

(Enacted by Stats. 1994, Ch. 920, Sec. 2.)

21507.

Before adjusting the boundaries of a district pursuant to Section 21500, 21503, or 21504, or for any other reason, the board shall hold at least one public hearing on the proposal to adjust the boundaries of the district prior to the public hearing at which the board votes to approve or defeat the proposal.

(Added by Stats. 2014, Ch. 873, Sec. 3. (AB 1440) Effective January 1, 2015.)

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DIVISION 21. STATE AND LOCAL REAPPORTIONMENT [21000 - 23003] (Division 21 enacted by Stats. 1994, Ch. 920, Sec. 2.)

CHAPTER 9. Advisory and Independent Redistricting Commissions [23000 - 23004] (Chapter 9 added by Stats. 2016, Ch. 784, Sec. 3.)

23000.

For purposes of this chapter, the following terms have the following meanings:

- (a) "Advisory redistricting commission" means a body that recommends to a legislative body placement of the district boundaries for that legislative body.
- (b) "Family member" means a spouse, parent, sibling, child, or in-law.
- (c) "Hybrid redistricting commission" means a body that recommends to a legislative body two or more maps for the placement of the district boundaries for that legislative body, where the legislative body must adopt one of those maps without modification, except as may be required to comply with state or federal law.
- (d) "Independent redistricting commission" means a body, other than a legislative body, that is empowered to adopt the district boundaries of a legislative body.
- (e) "Legislative body" means a county board of supervisors, a city council of a general law city, a governing board of a school district, a governing board of a community college district, or an elected governing board of a special district.
- (f) "Local jurisdiction" means a county, general law city, school district, community college district, or special district.
- (g) "Redistricting" means either districting or redistricting.
- (h) "Spouse" means a spouse or registered domestic partner.

(Amended by Stats. 2018, Ch. 462, Sec. 1. (SB 1018) Effective January 1, 2019.)

23001.

A local jurisdiction may establish by resolution, ordinance, or charter amendment an independent redistricting commission, a hybrid redistricting commission, or an advisory redistricting commission composed of residents of the local jurisdiction to change the legislative body's district boundaries or to recommend to the legislative body changes to those district boundaries.

(Amended by Stats. 2018, Ch. 462, Sec. 2. (SB 1018) Effective January 1, 2019.)

23002.

- (a) This section applies to advisory redistricting commissions.
- (b) Notwithstanding any other law, the local jurisdiction may prescribe the manner in which members are appointed to the commission.

(c) 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, shall not be appointed to serve on the commission.

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

(Amended by Stats. 2018, Ch. 462, Sec. 3. (SB 1018) Effective January 1, 2019.)

23003.

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

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

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

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

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

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

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

(C) Served as a staff member or a consultant to, or who has contracted with, a currently serving elected officer of the local jurisdiction.

(D) Been registered to lobby the local jurisdiction.

(E) Contributed five hundred dollars (\$500) or more in a year to any candidate for an elective office of the local jurisdiction. The local jurisdiction may adjust this amount by the cumulative change in the California Consumer Price Index, or its successor, in every year ending in zero.

(2) A family member of the person, other than his or her spouse, has done any of the following in the four years preceding the person's application:

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

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

(C) Served as a staff member of or consultant to, or has contracted with, a currently serving elected officer of the local jurisdiction.

(D) Been registered to lobby the local jurisdiction.

(E) Contributed five hundred dollars (\$500) or more in a year to any candidate for an elective office of the local jurisdiction. The local jurisdiction may adjust this amount by the cumulative change in the California Consumer Price Index, or its successor, in every year ending in zero.

(e) A member of the commission shall not do any of the following:

(1) While serving on the commission, endorse, work for, volunteer for, or make a campaign contribution to, a candidate for an elective office of the local jurisdiction.

(2) Be a candidate for an elective office of the local jurisdiction if any of the following is true:

(A) Less than five years has elapsed since the date of the member's appointment to the commission.

(B) The election for that office will be conducted using district boundaries that were adopted by the commission on which the member served, and those district boundaries have not been subsequently readopted by a commission after the end of the member's term on the commission.

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

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

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

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

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

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

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

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

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

(i) The commission shall be subject to the same redistricting deadlines, requirements, and restrictions that would otherwise apply to a legislative body. A local jurisdiction may also impose additional requirements

and restrictions on the commission, on members of the commission, or on applicants to the commission in excess of those prescribed by this section.

(j) The commission shall publish a map of the proposed new district boundaries and make that map available to the public for at least seven days before that map may be adopted. The commission shall hold at least three public hearings preceding the hearing at which the new boundaries are adopted.

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

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

(m) For the purposes of subdivisions (c) and (d), "local jurisdiction" does not include a local jurisdiction that contracts with a county independent redistricting commission pursuant to Section 23004.

(Amended by Stats. 2018, Ch. 462, Sec. 4. (SB 1018) Effective January 1, 2019.)

23004.

A local jurisdiction, except for a county, may contract with a county in which the local jurisdiction is partially or wholly located that has established an independent redistricting commission to have that commission adopt the local jurisdiction's election district boundaries. The county independent redistricting commission shall hold at least three public hearings in the local jurisdiction before adopting those boundaries.

(Added by Stats. 2018, Ch. 462, Sec. 5. (SB 1018) Effective January 1, 2019.)