
**SENATE COMMITTEE ON
ELECTIONS AND CONSTITUTIONAL AMENDMENTS**
Senator Steven Glazer, Chair
2023 - 2024 Regular

Bill No: AB 1761 **Hearing Date:** 6/6/23
Author: Committee on Elections
Version: 5/23/23
Urgency: No **Fiscal:** Yes
Consultant: Karen French

Subject: Citizens Redistricting Commission: governance

DIGEST

This bill clarifies the definition of a “day” as it is used in the statutes governing the Citizens Redistricting Commission (Commission). This bill also adds express authority for the Commission to rotate members through the positions of chair and vice chair.

ANALYSIS

Existing law:

- 1) Establishes the Commission, and requires it to adjust the boundary lines of the congressional, State Senatorial, Assembly, and Board of Equalization (BOE) districts in the year following the year in which the national census is taken under the direction of Congress at the beginning of each decade, as specified.
- 2) Defines the term “day,” for the purpose of statutory provisions governing the Commission, to mean “a calendar day, except that if the final day of a period within which an act is to be performed is a Saturday, Sunday, or holiday, the period is extended to the next day that is not a Saturday, Sunday, or holiday.”
- 3) Prohibits the Legislature from amending certain provisions of law related to the Commission unless certain conditions are met, including a requirement that the bill containing amendments provided by the Commission is in print for at least 12 days before final passage by the Legislature.
- 4) Requires any vacancy on the Commission to be filled within either 30 days after the vacancy occurs or 90 days after the vacancy occurs, depending on when the vacancy occurs.
- 5) Requires the Commission to provide not less than 14 days’ public notice for each meeting held for the purpose of receiving public input testimony, except that meetings held in August in the year ending in the number one may be held with three days’ notice.
- 6) Requires the Commission to one of their members to serve as the chair and one to serve as vice chair. Requires the chair and vice chair to not be of the same party.

- 7) Nine members of the commission shall constitute a quorum. Nine or more affirmative votes are required for any official action. The four final redistricting maps must be approved by at least nine affirmative votes which must include at least three votes of members registered from each of the two largest political parties in California based on registration and three votes from members who are not registered with either of these two political parties.
- 8) Requires the Commission to take public comment on draft district maps for at least 14 days from the date of public display of the first preliminary statewide maps, for at least seven days from the date of public display of any subsequent preliminary statewide maps, and for at least three days from the date of public display of any final statewide maps.
- 9) Provides for each member of the Commission to be compensated at the rate of \$300 for each day the member is engaged in Commission business, as adjusted to reflect inflation. For the purpose of the 2020 redistricting process, commissioners were compensated at a rate of \$378 per day.

This bill:

- 1) Specifies, for the purposes of the law governing the operations of the Commission, that a “day” is a calendar day that is calculated as the period of elapsed time that begins at midnight and ends 24 hours later at the next midnight.
- 2) Authorizes the Commission to rotate members through the positions of chair and vice chair.
- 3) Makes findings and declarations.

BACKGROUND

Voters First Act Part 1. Proposition 11 of 2008, also known as the Voters First Act (Act), was a law enacted by California voters that placed the power to draw electoral boundaries for State Assembly and State Senate districts in a Citizens Redistricting Commission as opposed to the State Legislature. To do this the Act amended both the California Constitution and the Government Code. The law was proposed by means of the initiative process and was put to voters as part of the November 4, 2008 election. Proposition 11 was approved by voters with 50.8 percent supporting the measure.

The Commission is chosen as follows:

1. Government auditors select sixty registered voters from an applicant pool.
2. Legislative leaders are permitted to reduce the pool.
3. Auditors then pick eight commission members by lottery, and those commissioners pick six additional members for a total of fourteen.

The commission must include five commissioners of the largest political party in California, five commissioners from the second largest party, and four of neither party. For approval, new district boundaries need votes from three commissioners of the largest party, three from the second largest, and three of the commissioners from neither party. The commission may hire lawyers and consultants to assist it in its work.

The state legislature retains responsibility for drawing district boundaries for California's congressional districts, but the Act adds additional criteria that the legislature must follow in drawing those boundaries.

Voters First Act Part 2. A California Congressional Redistricting Initiative, Proposition 20 was on the November 2, 2010 ballot in California. It was approved by 61.2% of voters. The measure was known by its supporters as the VOTERS FIRST Act for Congress. Proposition 20 added the task of re-drawing congressional district boundaries to the Citizens Redistricting Commission created by Proposition 11.

A competing initiative that also qualified for the November 2 ballot, California Proposition 27 (2010), sought to repeal Proposition 11. Proposition 20 and Proposition 27 each had a so-called "poison pill" provision. This means that if they both received a majority vote, the proposition that received the highest majority vote is the law that would go into effect. Since Proposition 20 passed but Proposition 27 failed with 59.4 percent of the voter, the poison pill provision was not triggered.

COMMENTS

- 1) According to the author. This is one of the Assembly Elections Committee's annual committee bills, containing proposals for statutory changes that are germane to subjects within the Committee's jurisdiction.

During the 2021 redistricting process, members of the California Citizens Redistricting Commission (Commission) expressed concern that there could be differing interpretations of how a "day" should be calculated for the purpose of the Commission's actions. For example, Government Code Section 8253(a)(7) requires the Commission to take public comment for at least three days from the date of public display of any final statewide maps. If the final statewide maps were put on public display at noon on Monday, some commissioners felt that the law was ambiguous about whether the Commission could take a final vote on those maps at noon on Thursday (giving 72 hours for public comment from the time the maps were displayed), or if the commission had to wait until Friday to take a final vote (thereby allowing three full calendar days—Tuesday, Wednesday, and Thursday—for public comment).

To avoid ambiguity in future redistricting processes, the Commission has proposed to clarify that the term "day" is calculated as the period of elapsed time that begins at midnight and ends 24 hours later at the next midnight. Under such a definition, if the Commission puts final redistricting maps on display on a Monday, then the minimum three days for public comment would be Tuesday, Wednesday, and Thursday, allowing a final vote to approve the maps to take place on Friday. This definition is consistent with the manner in which the Commission operated during the last redistricting process.

Furthermore, both the 2010 and 2020 commissions chose to rotate commissioners through the role of Chair and Vice Chair. To eliminate any ambiguity about whether such a rotation is permitted, the Commission proposed adding language to state law that expressly authorizes it to rotate members through the positions of Chair and Vice Chair.

2) Argument in Support. In a letter supporting AB 1761, the California Citizens Redistricting Commission, stated, in part, the following:

Specifically, it will provide that a calendar day is calculated as the period of elapsed time that begins at midnight and ends 24 hours later at the next midnight. Current law does not provide a calculation for defining a day. This clarification will be especially helpful in assisting the Commission's mandate of drawing district lines by the given statutory deadline... it will help the Commission in properly calculating and scheduling the number of necessary meetings to complete its work in a timely manner.

RELATED/PRIOR LEGISLATION

SB 1096 (Senate Committee on Elections and Constitutional Amendments), Chapter 271, Statutes of 2012, required starting the application and selection process for commissioners four and one-half months earlier to give future commissions more time to hire staff and consultants in an open, public process, and to allow more time for public education and outreach. This bill also addressed many procedural issues such as noticing requirements for meetings that will assist future commissions' ability to complete their mission.

PRIOR ACTION

Assembly Floor:	79 - 0
Assembly Elections Committee:	8 - 0

POSITIONS

Sponsor: Author

Support: California Citizens Redistricting Commission

Oppose: None received

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