

Assembly Constitutional Amendment

No. 26

**Introduced by Assembly Member Berman
(Principal coauthor: Assembly Member Rendon)**

June 2, 2020

Assembly Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 2 of Article XXI thereof, relating to redistricting.

LEGISLATIVE COUNSEL’S DIGEST

ACA 26, as introduced, Berman. Redistricting.

The California Constitution creates the Citizens Redistricting Commission, which is required to adjust the boundary lines of the congressional, State Senatorial, Assembly, and State Board of Equalization 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. The California Constitution requires the commission to be created no later than December 31 in each year ending in the number zero and requires the commission to approve 4 final maps by August 15 in each year ending in the number one. Existing statutory law also requires the commission, no later than July 1 in each year ending in the number one, to publicly display the first preliminary statewide maps for public comment.

This measure would authorize the commission, for 2021 only, to extend the deadlines for final map approval and public display of preliminary maps if the United States Census Bureau fails to provide the commission with necessary state redistricting population data within one year after the decennial census date. The measure would not allow

the commission to extend the deadline for final map approval beyond December 15, 2021.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

1 *Resolved by the Assembly, the Senate concurring,* That the
2 Legislature of the State of California at its 2019–20 Regular
3 Session commencing on the third day of December 2018,
4 two-thirds of the membership of each house concurring, hereby
5 proposes to the people of the State of California that the
6 Constitution of the State be amended as follows:

7 That Section 2 of Article XXI thereof is amended to read:

8 SEC. 2. (a) The Citizens Redistricting Commission shall be
9 created no later than December 31 in 2010, and in each year ending
10 in the number zero thereafter.

11 (b) The commission shall: (1) conduct an open and transparent
12 process enabling full public consideration of and comment on the
13 drawing of district lines; (2) draw district lines according to the
14 redistricting criteria specified in this article; and (3) conduct
15 themselves with integrity and fairness.

16 (c) (1) The selection process is designed to produce a
17 commission that is independent from legislative influence and
18 reasonably representative of this State’s diversity.

19 (2) The commission shall consist of 14 members, as follows:
20 five who are registered with the largest political party in California
21 based on registration, five who are registered with the second
22 largest political party in California based on registration, and four
23 who are not registered with either of the two largest political parties
24 in California based on registration.

25 (3) Each commission member shall be a voter who has been
26 continuously registered in California with the same political party
27 or unaffiliated with a political party and who has not changed
28 political party affiliation for five or more years immediately
29 preceding the date of ~~his or her~~ appointment. Each commission
30 member shall have voted in two of the last three statewide general
31 elections immediately preceding ~~his or her~~ *the member’s*
32 application.

33 (4) The term of office of each member of the commission
34 expires upon the appointment of the first member of the succeeding
35 commission.

1 (5) Nine members of the commission shall constitute a quorum.
2 Nine or more affirmative votes shall be required for any official
3 action. The four final redistricting maps must be approved by at
4 least nine affirmative votes which must include at least three votes
5 of members registered from each of the two largest political parties
6 in California based on registration and three votes from members
7 who are not registered with either of these two political parties.

8 (6) Each commission member shall apply this article in a manner
9 that is impartial and that reinforces public confidence in the
10 integrity of the redistricting process. A commission member shall
11 be ineligible for a period of 10 years beginning from the date of
12 appointment to hold elective public office at the federal, state,
13 county, or city level in this State. A member of the commission
14 shall be ineligible for a period of five years beginning from the
15 date of appointment to hold appointive federal, state, or local public
16 office, to serve as paid staff for, or as a paid consultant to, the
17 Board of Equalization, the Congress, the Legislature, or any
18 individual legislator, or to register as a federal, state or local
19 lobbyist in this State.

20 (d) The commission shall establish single-member districts for
21 the Senate, Assembly, Congress, and State Board of Equalization
22 pursuant to a mapping process using the following criteria as set
23 forth in the following order of priority:

24 (1) Districts shall comply with the United States Constitution.
25 Congressional districts shall achieve population equality as nearly
26 as is practicable, and Senatorial, Assembly, and State Board of
27 Equalization districts shall have reasonably equal population with
28 other districts for the same office, except where deviation is
29 required to comply with the federal Voting Rights Act or allowable
30 by law.

31 (2) Districts shall comply with the federal Voting Rights Act
32 (~~42 U.S.C. Sec. 1971 and following~~): *of 1965 (52 U.S.C. Sec.*
33 *10101 et seq.*)

34 (3) Districts shall be geographically contiguous.

35 (4) The geographic integrity of any city, county, city and county,
36 local neighborhood, or local community of interest shall be
37 respected in a manner that minimizes their division to the extent
38 possible without violating the requirements of any of the preceding
39 subdivisions. A community of interest is a contiguous population
40 which shares common social and economic interests that should

1 be included within a single district for purposes of its effective
2 and fair representation. Examples of such shared interests are those
3 common to an urban area, a rural area, an industrial area, or an
4 agricultural area, and those common to areas in which the people
5 share similar living standards, use the same transportation facilities,
6 have similar work opportunities, or have access to the same media
7 of communication relevant to the election process. Communities
8 of interest shall not include relationships with political parties,
9 incumbents, or political candidates.

10 (5) To the extent practicable, and where this does not conflict
11 with the criteria above, districts shall be drawn to encourage
12 geographical compactness such that nearby areas of population
13 are not bypassed for more distant population.

14 (6) To the extent practicable, and where this does not conflict
15 with the criteria above, each Senate district shall be comprised of
16 two whole, complete, and adjacent Assembly districts, and each
17 Board of Equalization district shall be comprised of 10 whole,
18 complete, and adjacent Senate districts.

19 (e) The place of residence of any incumbent or political
20 candidate shall not be considered in the creation of a map. Districts
21 shall not be drawn for the purpose of favoring or discriminating
22 against an incumbent, political candidate, or political party.

23 (f) Districts for the Congress, Senate, Assembly, and State Board
24 of Equalization shall be numbered consecutively commencing at
25 the northern boundary of the State and ending at the southern
26 boundary.

27 (g) (1) By August 15 in 2011, and in each year ending in the
28 number one thereafter, the commission shall approve four final
29 maps that separately set forth the district boundary lines for the
30 congressional, Senatorial, Assembly, and State Board of
31 Equalization districts. Upon approval, the commission shall certify
32 the four final maps to the Secretary of State.

33 (2) *For 2021 only, the commission may extend the deadline*
34 *specified in paragraph (1), and the deadline specified in statute*
35 *related to the public display of the first preliminary statewide*
36 *maps, if the United States Census Bureau fails to provide the*
37 *commission with necessary state redistricting population data*
38 *within one year after the decennial census date. The commission*
39 *shall not extend the deadline to approve final maps beyond*
40 *December 15, 2021.*

1 (h) The commission shall issue, with each of the four final maps,
2 a report that explains the basis on which the commission made its
3 decisions in achieving compliance with the criteria listed in
4 subdivision (d) and shall include definitions of the terms and
5 standards used in drawing each final map.

6 (i) Each certified final map shall be subject to referendum in
7 the same manner that a statute is subject to referendum pursuant
8 to Section 9 of Article II. The date of certification of a final map
9 to the Secretary of State shall be deemed the enactment date for
10 purposes of Section 9 of Article II.

11 (j) If the commission does not approve a final map by at least
12 the requisite votes or if voters disapprove a certified final map in
13 a referendum, the Secretary of State shall immediately petition the
14 California Supreme Court for an order directing the appointment
15 of special masters to adjust the boundary lines of that map in
16 accordance with the redistricting criteria and requirements set forth
17 in subdivisions (d), (e), and (f). Upon its approval of the masters'
18 map, the court shall certify the resulting map to the Secretary of
19 State, which map shall constitute the certified final map for the
20 subject type of district.