

A1-A2: Amend Elections Code regarding reallocation of state and federal inmates' residences.

Elections Code section

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 ~~shall to~~ deem each ~~state or federally~~ incarcerated person as residing at that person's last known place of residence, rather than at the institution of that person's 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 ~~shall 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 ~~or federal~~ 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.

(a) For purposes of this section, "cannot be determined" means the Department of Corrections and Rehabilitation and/or Federal Bureau of Prisons or other responsible federal entity did not provide the following information: 1) unique identifiers other than the inmate's name or the state or federal correctional number, 2) residential address prior to incarceration, 3) facility of incarceration on the decennial Census Day and 4) race/ethnicity of listed inmates.

(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.

A4- Procurement Exemption

Public Contract Code Section 10430. This chapter does not apply to any of the following:

(a) The Regents of the University of California and the Trustees of the California State University, except that Article 9 (commencing with Section 10420) shall apply to the Trustees of the California State University.

(b)(1) Transactions covered under Chapter 3 (commencing with Section 12100), except that Sections 10295.3 , 10295.35 , 10295.4 , 10296 , 10365.5 , 10410 , 10411, and Article 13 (commencing with Section 10475) shall apply to all transactions under that chapter.

(2) Notwithstanding paragraph (1), Section 10365.5 shall not apply to incidental advice or suggestions made outside of the scope of a consulting services contract.

(3)(A) Notwithstanding paragraph (1), Section 10365.5 shall not apply to a contract that is part of a single competitive procurement conducted in more than one stage for information technology goods or services, when the Director of the Department of General Services and the Director of Technology determine that there is no conflict of interest under Section 10365.5 and that it is in the best interest of the state to utilize this procurement method. Nothing in this section shall preclude the applicability of Section 12112 to this procurement method.

(B) The Department of General Services shall annually submit a report on its Internet Web site describing each determination granted pursuant to subparagraph (A), listing the basis for the determination, and disclosing the total amount of money paid or to be paid to the contractor under the contract that was the subject of the determination. The department shall provide notice to the Joint Legislative Budget Committee within 30 days of the posting of the report.

(C) For purposes of this paragraph, "information technology" means information technology goods or services, or both, as appropriate.

(c) Except as otherwise provided in this chapter, any entity exempted from Section 10295 . However, the Board of Governors of the California Community Colleges shall be governed by this chapter, except as provided in Sections 10295 , 10335 , and 10389 . The Department of Water Resources shall be governed by this chapter, except as provided in Sections 10295.6 , 10304.1 , 10335 , and 10340 .

(d) Transactions covered under Chapter 10 (commencing with Section 4525) of Division 5 of Title 1 of the Government Code .

(e) Except as provided for in subdivision (c), members of boards or commissions who receive no payment other than payment for each meeting of the board or commission, payment for preparatory time, and payment for per diem.

(f) The emergency purchase of protective vests for correctional peace officers whose duties require routine contact with state prison inmates. This subdivision shall remain operative only until January 1, 1987.

(g) Spouses of state officers or employees and individuals and entities that employ spouses of state officers and employees, that are vendored to provide services to regional center clients pursuant to Section 4648 of the Welfare and Institutions Code if the vendor of services, in that capacity, does not receive any material financial benefit, distinguishable from the benefit to the public generally, from any governmental decision made by the state officer or employee.

(h) Subject to the approval of the Director of Developmental Services, or his or her designee, a state employee of the department who is qualified to provide necessary services for regional center consumers and has entered into a contract with a regional center for the purpose of developing regional center services. The state employee shall terminate employment with any state agency or department before providing services funded by the state, as specified in Section 10410 , to one or more regional center consumers. A contract entered into by a regional center and a state employee, in his or her capacity as a private citizen, to develop regional center services does not constitute a state contract within the meaning of Section 1090 of the Government Code . Accordingly, the state employee has no financial interest in a state contract under these circumstances.

(i) Transactions covered under Chapter 3.2 (commencing with Section 8251) of Division 1 of Title 2 of the Government Code. The Commission shall annually file a report disclosing the total amount of money paid or to be paid to the contractor under the contract. The Commission shall provide notice to the Joint Legislative Budget Committee within 30 days of the posting of the report.

A5: 3 Days Notice Proposed Legislative Language

and

A7: Clarifying Purpose of Public Input Meetings

8253.

Citizens Redistricting Commission Miscellaneous Provisions.

(a) The activities of the Citizens Redistricting Commission are subject to all of the following:

(1) The commission shall comply with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3), or its successor. However, ~~the~~ the commission shall provide not less than 14 days' public notice for each meeting held for the primary purpose of receiving public input testimony, except that meeting held three months prior to ~~in August in the year the final map deadline ending in the number one~~ may be held with three days' notice.

(2) The records of the commission pertaining to redistricting and all data considered by the commission are public records that will be posted in a manner that ensures immediate and widespread public access.

(3) Commission members and staff may not communicate with or receive communications about redistricting matters from anyone outside of a public hearing. This paragraph does not prohibit communication between commission members, staff, legal counsel, and consultants retained by the commission that is otherwise permitted by the Bagley-Keene Open Meeting Act or its successor outside of a public hearing.

(4) The commission shall select by the voting process prescribed in paragraph (5) of subdivision (c) of Section 2 of Article XXI of the California Constitution one of their members to serve as the chair and one to serve as vice chair. The chair and vice chair shall not be of the same party.

(5) The commission shall hire commission staff, legal counsel, and consultants as needed. The commission shall establish clear criteria for the hiring and removal of these individuals, communication protocols, and a code of conduct. The commission shall apply the conflicts of interest listed in paragraph (2) of subdivision (a) of Section 8252 to the hiring of staff to the extent applicable. The State Auditor shall provide support functions to the commission until its staff and office are fully functional. Any individual employed by the commission shall be exempt from the civil service requirements of Article VII of the California Constitution. The commission shall require that at least one of the legal counsel hired by the commission have demonstrated extensive experience and expertise in implementation and enforcement of the federal Voting Rights Act of 1965 (42 U.S.C. Sec. 1971 et seq.). The commission shall make hiring, removal, or contracting decisions on staff, legal counsel, and consultants by nine or more

affirmative votes including at least three votes of members registered from each of the two largest parties and three votes from members who are not registered with either of the two largest political parties in California.

(6) Notwithstanding any other provision of law, no employer shall discharge, threaten to discharge, intimidate, coerce, or retaliate against any employee by reason of that employee's attendance or scheduled attendance at any meeting of the commission.

(7) The commission shall establish and implement an open hearing process for public input and deliberation that shall be subject to public notice and promoted through a thorough outreach program to solicit broad public participation in the redistricting public review process. The hearing process shall include hearings to receive public input before the commission draws any maps and hearings following the drawing and display of any commission maps. In addition, hearings shall be supplemented with other activities as appropriate to further increase opportunities for the public to observe and participate in the review process. The commission shall display the maps for public comment in a manner designed to achieve the widest public access reasonably possible. Public comment shall be taken for at least 14 days from the date of public display of the first preliminary statewide maps of the congressional, State Senatorial, Assembly, and State Board of Equalization districts, which shall be publicly displayed no later than July 1 in each year ending in the number one. The commission shall not display any other map for public comment during the 14-day period. The first preliminary statewide maps and all subsequent statewide maps shall comply, to the extent practicable, with the criteria set forth in subdivision (d) of Section 2 of Article XXI of the California Constitution. Public comment shall be taken 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.

(b) The Legislature shall take all steps necessary to ensure that a complete and accurate computerized database is available for redistricting, and that procedures are in place to provide the public ready access to redistricting data and computer software for drawing maps. Upon the commission's formation and until its dissolution, the Legislature shall coordinate these efforts with the commission.

A6- Calculating a "Day"- Option A.

Government Code section 8251.

(a) This chapter implements Article XXI of the California Constitution by establishing the process for the selection and governance of the Citizens Redistricting Commission.

(b) For purposes of this chapter, the following terms are defined:

(1) "Commission" means the Citizens Redistricting Commission.

(2) "Day" means 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. **The calculation of a day starts from the time of the decision and ends twenty-four hours later.**

(3) "Panel" means the Applicant Review Panel.

(4) "Qualified independent auditor" means an auditor who is currently employed by the Bureau of State Audits and has been a practicing independent auditor for at least 10 years prior to appointment to the Applicant Review Panel.

(c) The Legislature may not amend this chapter unless all of the following are met:

(1) By the same vote required for the adoption of the final set of maps, the commission recommends amendments to this chapter to carry out its purpose and intent.

(2) The exact language of the amendments provided by the commission is enacted as a statute approved by a two-thirds vote of each house of the Legislature and signed by the Governor.

(3) The bill containing the amendments provided by the commission is in print for at least 12 days before final passage by the Legislature.

(4) The amendments further the purposes of this act.

(5) The amendments may not be passed by the Legislature in a year ending in 9, 0, or 1.

A6- Calculating a "Day"- Option B.

Government Code section 8251.

(a) This chapter implements Article XXI of the California Constitution by establishing the process for the selection and governance of the Citizens Redistricting Commission.

(b) For purposes of this chapter, the following terms are defined:

(1) "Commission" means the Citizens Redistricting Commission.

(2) "Day" means 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. **The start of a day is calculated as the period of elapsed time that begins at midnight and ends twenty-four hours later at the next midnight.**

(3) "Panel" means the Applicant Review Panel.

(4) "Qualified independent auditor" means an auditor who is currently employed by the Bureau of State Audits and has been a practicing independent auditor for at least 10 years prior to appointment to the Applicant Review Panel.

(c) The Legislature may not amend this chapter unless all of the following are met:

(1) By the same vote required for the adoption of the final set of maps, the commission recommends amendments to this chapter to carry out its purpose and intent.

(2) The exact language of the amendments provided by the commission is enacted as a statute approved by a two-thirds vote of each house of the Legislature and signed by the Governor.

(3) The bill containing the amendments provided by the commission is in print for at least 12 days before final passage by the Legislature.

(4) The amendments further the purposes of this act.

(5) The amendments may not be passed by the Legislature in a year ending in 9, 0, or 1.

A8- Exemption from Requirement for Seeking Approval by the Attorney General's Office

Government Code section 11041.

(a) Section 11042 does not apply to the Regents of the University of California, the Trustees of the California State University, Legal Division of the Department of Transportation, Division of Labor Standards Enforcement of the Department of Industrial Relations, Workers' Compensation Appeals Board, Public Utilities Commission, State Compensation Insurance Fund, Legislative Counsel Bureau, Inheritance Tax Department, Secretary of State, State Lands Commission, Alcoholic Beverage Control Appeals Board (except when the board affirms the decision of the Department of Alcoholic Beverage Control), Department of Cannabis Control (except in proceedings in state or federal court), State Department of Education, Department of Financial Protection and Innovation, **California Citizens Redistricting Commission**, and Treasurer with respect to bonds, nor to any other state agency which, by law enacted after Chapter 213 of the Statutes of 1933, is authorized to employ legal counsel.

(b) The Trustees of the California State University shall pay the cost of employing legal counsel from their existing resources.

AMENDED IN SENATE JUNE 13, 2022

AMENDED IN ASSEMBLY APRIL 19, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 1848

Introduced by Assembly Member Bryan

February 8, 2022

An act to amend Sections 21001 and 21003 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1848, as amended, Bryan. Redistricting.

(1) The California Constitution requires the Citizens Redistricting Commission to draw district lines for the election of Members of the State Senate, Assembly, Congress, and the State Board of Equalization. The commission is required to approve final maps and certify them to the Secretary of State by August 15 in each year ending in the number one.

Existing law requires the Secretary of State to 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 of the Member's district.

This bill would *instead* require the Secretary of State to provide those copies *State*, upon receipt of certified final maps from the Citizens Redistricting Commission. ~~The bill would also require the Secretary of State Commission, to provide~~ *electronic copies of the maps to county elections officials; officials, the Chief Clerk of the Assembly, the Senate Committee on Rules, the California congressional delegation, and the State Board of Equalization.*

(2) Existing law requires the Department of Corrections and Rehabilitation to furnish to the Legislature and the Citizens Redistricting Commission certain information regarding each inmate incarcerated in a state correctional facility on the decennial Census Day, including the residential address at which the inmate was domiciled before the inmate’s current term of incarceration. Under the existing law, the Legislature requests the Citizens Redistricting Commission to deem each incarcerated person as residing at that person’s last known place of residence rather than at the institution of that person’s incarceration.

This bill would instead require the commission to deem each incarcerated person as residing at that person’s last known place of residence. ~~residence, except as provided.~~

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

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

1 SECTION 1. Section 21001 of the Elections Code is amended
 2 to read:
 3 21001. (a) Upon receipt of certified final maps from the
 4 Citizens Redistricting Commission setting forth the district
 5 boundary lines for congressional, Senatorial, Assembly, and State
 6 Board of Equalization districts in accordance with subdivision (g)
 7 of Section 2 of Article XXI of the California Constitution, the
 8 Secretary of State shall provide *an electronic copy of the maps to*
 9 county elections officials. In addition, the Secretary of State shall
 10 provide each Member of the Senate, Assembly, and the State Board
 11 of Equalization, and each Member of Congress from California,
 12 with one copy of a map or maps of the Member’s district. ~~One an~~
 13 *electronic copy of the entire set of maps for the Assembly shall*
 14 ~~be provided to the Chief Clerk of the Assembly, one an electronic~~
 15 *copy of the entire set of maps for the Senate shall be provided to*
 16 *the Senate Committee on Rules, an electronic copy of the entire*
 17 *set of maps for Congress to each member of the California*
 18 *congressional delegation, and one an electronic copy of the entire*
 19 ~~set of maps for the State Board of Equalization shall be provided~~
 20 *to the State Board of Equalization.*
 21 (b) The Secretary of State shall also make copies of the maps
 22 available for public inspection.

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

3 SEC. 2. Section 21003 of the Elections Code is amended to
4 read:

5 21003. (a) (1) In 2030 and in each year ending in the number
6 zero thereafter, the Department of Corrections and Rehabilitation
7 shall furnish to the Legislature and the Citizens Redistricting
8 Commission, in the form of a single electronic file for each
9 database maintained by the department, information regarding
10 each inmate incarcerated in a state correctional facility on the
11 decennial Census Day. This information shall be furnished not
12 sooner than the decennial Census Day and not later than 90 days
13 after the decennial Census Day.

14 (2) The information furnished by the Department of Corrections
15 and Rehabilitation pursuant to paragraph (1) shall include the
16 following for each inmate:

17 (A) A unique identifier, other than the inmate's name or
18 Department of Corrections and Rehabilitation number.

19 (B) Any information maintained by the Department of
20 Corrections and Rehabilitation about the residential address or
21 addresses at which the inmate was domiciled before the inmate's
22 most current term of incarceration, including any available
23 information about the date on which each address was added to
24 records maintained by the department. If the Department of
25 Corrections and Rehabilitation does not have any residential
26 address information for an inmate, the information furnished by
27 the department shall state that fact.

28 (C) The inmate's ethnicity, as identified by the inmate, and the
29 inmate's race, to the extent such information is maintained by the
30 Department of Corrections and Rehabilitation.

31 (D) The address of the state correctional facility where the
32 inmate is incarcerated on the decennial Census Day.

33 (3) The Department of Corrections and Rehabilitation shall
34 exclude all inmates in federal custody in a facility within California
35 from the information furnished pursuant to this section.

36 (b) In order to comply with its obligation to ensure that a
37 complete and accurate computerized database is available for
38 redistricting in accordance with subdivision (b) of Section 8253
39 of the Government Code, the Legislature, in coordination with the
40 Citizens Redistricting Commission, shall ensure that the

1 information provided by the Department of Corrections and
2 Rehabilitation pursuant to subdivision (a) is included in that
3 computerized database.

4 (c) Notwithstanding subdivision (b), and regardless of the form
5 in which the information is furnished by the Department of
6 Corrections and Rehabilitation, the Legislature or the Citizens
7 Redistricting Commission shall not publish information regarding
8 the race, ethnicity, or prior residential addresses of specific inmates.

9 (d) Consistent with Section 2025, the Citizens Redistricting
10 Commission shall deem each incarcerated person as residing at
11 that person's last known place of residence, rather than at the
12 institution of that person's incarceration, and shall use the
13 information furnished to it pursuant to subdivision (a) in carrying
14 out its redistricting responsibilities under Article XXI of the
15 California Constitution. The Citizens Redistricting Commission
16 shall also do all of the following when it uses information regarding
17 inmates that is furnished pursuant to this section:

18 (1) Deem an inmate incarcerated in a state correctional facility
19 for whom the last known place of residence is either outside
20 California or cannot be determined, or an inmate in federal custody
21 in a facility within California, to reside at an unknown geographical
22 location in the state and exclude the inmate from the population
23 count for any district, ward, or precinct.

24 (2) Adjust race and ethnicity data in districts, wards, and
25 precincts that contain prisons in a manner that reflects reductions
26 in the local population as inmates are included in the population
27 count of the district, ward, or precinct of their last known place of
28 residence and, to the extent practicable, those deemed to reside at
29 an unknown geographic location.

30 (e) (1) For purposes of this section, "last known place of
31 residence" means the most recent residential address of an inmate
32 before the inmate's most current term of incarceration that is
33 sufficiently specific to be assigned to a census block, as determined
34 from information furnished by the Department of Corrections and
35 Rehabilitation in accordance with this section. In the case of an
36 inmate for whom residential address information is available but
37 is not sufficiently specific to allow the address to be assigned to a
38 census block, the "last known place of residence" means a
39 randomly determined census block located within the smallest
40 geographical area that can be identified based on the residential

- 1 address information furnished by the Department of Corrections
- 2 and Rehabilitation.
- 3 (2) For purposes of this section, “state correctional facility”
- 4 means a facility under the control of the Department of Corrections
- 5 and Rehabilitation.

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