

AMENDMENTS TO ASSEMBLY BILL NO. 1761

Amendment 1

In the title, in line 1, strike out "Section" and insert:

Sections

Amendment 2

In the title, in line 1, after "8251" insert:

and 8253

Amendment 3

On page 2, below line 33, insert:

SEC. 2. Section 8253 of the Government Code is amended to read:

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. The commission shall 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.

(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. Notwithstanding any other law, the commission may rotate the members serving as chair and vice chair as part of this process.

(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.

SEC. 3. The Legislature finds and declares that this bill furthers the purpose of the Voters FIRST Act within the meaning of subdivision (c) of Section 8251 of the Government Code.

PROPOSED AMENDMENTS

SUBSTANTIVE

PROPOSED AMENDMENTS TO ASSEMBLY BILL NO. 1761

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 1761

Introduced by Committee on Elections (Assembly Members Bryan (Chair), Lackey (Vice Chair), Bennett, Lee, Low, Pellerin, and Blanca Rubio)

March 8, 2023

An act to amend ~~Section~~ *Sections 8251 and 8253* of the Government Code, relating to redistricting.

Amendments 1 & 2

LEGISLATIVE COUNSEL'S DIGEST

AB 1761, as introduced, Committee on Elections. Citizens Redistricting Commission: ~~definitions~~. *governance*.

Existing provisions of the California Constitution, enacted by the Voters FIRST Act, an initiative approved by the electors in the November 4, 2008, statewide general election, require 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 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.~~
~~Existing~~

Existing statutory provisions provisions added by the Voters FIRST Act establish the process for the selection and governance of the commission. Existing law defines “day” for purposes of those statutory provisions as 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.

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This bill would revise that definition to clarify 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.

Existing law requires the commission to select, by a specified voting process, one of their members to serve as the chair, and one to serve as vice chair. Existing law prohibits the chair and vice chair from being of the same political party.

This bill would, notwithstanding any other law, authorize the commission to rotate the members serving as chair and vice chair as part of the process described above.

The Voters FIRST Act authorizes the Legislature to amend its provisions to further the act's purposes upon a 2/3 vote of each house of the Legislature and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: ~~no~~^{yes}. State-mandated local program: no.

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

Page 2

1 SECTION 1. Section 8251 of the Government Code is amended
2 to read:
3 8251. Citizens Redistricting Commission General Provisions.
4 (a) This chapter implements Article XXI of the California
5 Constitution by establishing the process for the selection and
6 governance of the Citizens Redistricting Commission.
7 (b) For purposes of this chapter, the following terms are defined:
8 (1) "Commission" means the Citizens Redistricting Commission.
9 (2) "Day" means a calendar day, calculated as the period of
10 elapsed time that begins at midnight and ends 24 hours later at the
11 next midnight, except that if the final day of a period within which
12 an act is to be performed is a Saturday, Sunday, or holiday, the
13 period is extended to the next day that is not a Saturday, Sunday,
14 or holiday.
15 (3) "Panel" means the Applicant Review Panel.
16 (4) "Qualified independent auditor" means an auditor who is
17 currently employed by the Bureau of State Audits and has been a
18 practicing independent auditor for at least 10 years prior to
19 appointment to the Applicant Review Panel.

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Page 2 20 (c) The Legislature may not amend this chapter unless all of the
21 following are met:
22 (1) By the same vote required for the adoption of the final set
23 of maps, the commission recommends amendments to this chapter
24 to carry out its purpose and intent.
25 (2) The exact language of the amendments provided by the
26 commission is enacted as a statute approved by a two-thirds vote
27 of each house of the Legislature and signed by the Governor.
28 (3) The bill containing the amendments provided by the
29 commission is in print for at least 12 days before final passage by
30 the Legislature.
31 (4) The amendments further the purposes of this act.
32 (5) The amendments may not be passed by the Legislature in a
33 year ending in 9, 0, or 1.

+ *SEC. 2. Section 8253 of the Government Code is amended to*
+ *read:*
+ 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. The commission
+ shall 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.
+ (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

Amendment 3

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+ 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. *Notwithstanding any other law, the*
+ *commission may rotate the members serving as chair and vice*
+ *chair as part of this process.*

+ (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

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- + 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.
- + *SEC. 3. The Legislature finds and declares that this bill furthers*
- + *the purpose of the Voters FIRST Act within the meaning of*
- + *subdivision (c) of Section 8251 of the Government Code.*

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