

Date of Hearing: April 29, 2015

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Sebastian Ridley-Thomas, Chair

AB 609 (Cristina Garcia) – As Amended April 22, 2015

SUBJECT: Members of the Legislature: residency.

SUMMARY: Permits a candidate for Member of the Legislature to file a statement with the Secretary of State (SOS), as specified, in which the candidate voluntarily agrees that, if elected, he or she will continue to reside within the district for which he or she was elected during his or her term of office. Specifically, **this bill:**

- 1) Makes Legislative findings and declarations that, in order to ensure that Members of the Legislature adequately and effectively represent their constituents, those elected to the Legislature should continue to reside in the districts that they are elected to represent during their terms of office.
- 2) Permits a candidate for Member of the Legislature to file a statement with the SOS in which the candidate voluntarily agrees that, if elected, he or she will continue to reside within the district from which he or she was elected during his or her term of office. Provides that a person does not violate the voluntary agreement if, after being elected for a term of office, the boundaries of the district from which he or she was elected are changed during that term of office so as to exclude his or her residence from the district.
- 3) Requires the statement, if a candidate for a Member of the Legislature elects to file the voluntary statement of continuing residency pursuant to this bill, to be filed with his or her nomination documents.
- 4) Requires the SOS to designate in the state ballot pamphlet those candidates for Member of the Legislature who have voluntarily agreed to the continuing residency requirement set forth by in this bill.

EXISTING LAW provides that a person is ineligible to be a member of the Legislature unless the person is an elector and has been a resident of the legislative district for one year, and a citizen of the United States and a resident of California for three years, immediately preceding the election.

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Purpose of the Bill:** According to the author:

Current law requires a candidate for the California Legislature to live within the district they intend to represent. However, there is no requirement that they must continue reside there, once elected. Voters have the right to know if the person they elected intends on living amongst their constituents. AB 609 creates a designation for those who wish to voluntarily declare that they will continue to reside within their district.

- 2) **Current Law:** Article IV, Section 2 of the California Constitution provides that a person is ineligible to be a member of the Legislature unless the person is an elector and has been a resident of the legislative district for one year, and a citizen of the United States and a resident of California for three years, immediately preceding the election. The SOS has long held that this requirement is unconstitutional, however, and as a result it is not enforced. Moreover, existing law does not explicitly require a Member of the Legislature to reside in his or her district for the duration of his or her term of office.

This bill permits a candidate for State Senate or Assembly to file a statement with the SOS in which the candidate voluntarily agrees that, if elected, he or she will continue to reside within the district from which he or she was elected during his or her term of office, as specified. In addition, this bill requires the SOS, if a candidate for a Member of the Legislature elects to file the voluntary statement of continuing residency pursuant to the provisions of this bill, to designate in the state ballot pamphlet those candidates who have voluntarily agreed to the continuing residency requirement.

- 3) **State Ballot Pamphlet:** Current law requires the SOS to prepare a state ballot pamphlet for every statewide election and send to every registered voter a state ballot pamphlet, as specified. Existing law requires the SOS to include important voter information in the state pamphlet, such as a copy, analysis, and arguments for and against each state measure, the Voters Bill of Rights, and statewide candidate statements, as specified. In practice, if the state ballot pamphlet has extra pages, the SOS will add other important voter information. This bill adds more information to the state ballot pamphlet and requires the SOS to designate in the state ballot pamphlet those candidates for Member of the Legislature who have voluntarily agreed to the continuing residency requirement in this bill.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file.

Opposition

None on file.

Analysis Prepared by: Nichole Becker / E. & R. / (916) 319-2094