

Date of Hearing: April 19, 2023

ASSEMBLY COMMITTEE ON ELECTIONS

Isaac G. Bryan, Chair

AB 1761 (Committee on Elections) – As Introduced March 8, 2023

SUBJECT: Citizens Redistricting Commission: definitions.

SUMMARY: Specifies that for the purpose of state law governing the operations of the California Citizens Redistricting Commission (Commission), a “day” is calculated as the period of elapsed time that begins at midnight and ends 24 hours later at the next midnight, as specified.

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. (California Constitution, Article XXI, §§1 & 2)
- 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.” (Government Code §8251(a)(2))
- 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. (Government Code §8251(c))
- 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. (Government Code §8252.5)
- 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. (Government Code §8253(a)(1))
- 6) 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. (Government Code §8253(a)(7))
- 7) 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. (Government Code §8253.5)

FISCAL EFFECT: None. This bill is keyed non-fiscal by the Legislative Counsel.

COMMENTS:

- 1) **Purpose of the Bill:** 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 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.

- 2) **California Citizens Redistricting Commission:** Proposition 11, which was approved by the voters at the 2008 statewide general election, created the Commission, and gave it the responsibility for establishing district lines for Assembly, Senate, and the BOE. Proposition 11 also modified the criteria to be used when drawing district lines. Proposition 20, which was approved by the voters at the 2010 statewide general election, gave the Commission the responsibility for establishing lines for California’s congressional districts, and made other changes to the procedures and criteria to be used by the Commission. With the passage of Propositions 11 and 20, the California Legislature no longer has a direct role in the adoption of district boundaries for congressional, legislative, and BOE districts.
- 3) **Restrictions on Amending Statutes Related to the Citizens Redistricting Commission:** As detailed above in Existing Law, state law prohibits the Legislature from amending certain provisions of law related to the Commission unless specified conditions are met, including a requirement that the amendments be enacted as a statute approved by a two-thirds vote of each house of the Legislature and signed by the Governor. The Office of the Legislative Counsel, however, has identified this bill as requiring only a majority vote. The majority vote designation reflects a determination by the Office of the Legislative Counsel that this bill merely clarifies existing law and does not substantively amend the statutes governing the Commission’s operations. Accordingly, the conditions for legislative amendment of those statutes regarding the Commission do not apply to this bill.

- 4) **Arguments in Support:** In support of this bill, the California Citizens Redistricting Commission writes:

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. Specifically, it will help the Commission in properly calculating and scheduling the number of necessary meetings to complete its work in a timely manner. For these reasons, we support this legislation and urge its speedy passage and enactment.

REGISTERED SUPPORT / OPPOSITION:

Support

California Citizens Redistricting Commission

Opposition

None on file.

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