

AMENDED IN ASSEMBLY MAY 13, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1752

Introduced by Assembly Member Fong

February 14, 2014

An act to amend Section 13108 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1752, as amended, Fong. Redistricting: incumbent designation.

Existing law, as added by constitutional initiative, requires the Citizens Redistricting Commission, in the year following the year in which the federal decennial census is taken, to adjust the boundary lines of the congressional, State Senate, Assembly, and Board of Equalization districts. Existing law specifies which candidate for the office of Representative in Congress, State Senator, Member of the Assembly, or Member of the Board of Equalization shall be deemed the incumbent of the district for purposes of the first election following decennial redistricting.

This bill would change the order of which candidate shall be deemed the incumbent at the first election following decennial redistricting. This bill would also make a conforming change to reflect the redistricting process.

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

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

1 SECTION 1. Section 13108 of the Elections Code is amended
2 to read:

3 13108. (a) At the first elections for Representative in Congress,
4 State Senator, Member of the Assembly, and Member of the Board
5 of Equalization in each congressional, senatorial, Assembly, and
6 Board of Equalization district following the adjustment of the
7 boundary lines of the congressional, senatorial, Assembly, and
8 Board of Equalization districts by the Citizens Redistricting
9 Commission pursuant to Section 6 of Article IV, Section 17 of
10 Article XIII, and Section 1 of Article XXI, of the California
11 Constitution, that candidate who shall be deemed the incumbent
12 in a given district for purposes of the election shall be that
13 candidate who is running for the same office that he or she then
14 holds, and who is running for reelection in a district that has the
15 identical boundaries and number as the district from which he or
16 she was last elected.

17 (b) In the event there is no candidate to whom subdivision (a)
18 applies, the incumbent shall be that candidate who is running for
19 the same office that he or she then holds, and who is running for
20 reelection in a district that has the identical boundaries as the
21 district from which he or she was last elected, but that has a
22 different number.

23 (c) In the event there is no candidate to whom subdivision (a)
24 or (b) apply, the incumbent shall be that candidate who is running
25 for the same office that he or she then holds, and who is running
26 for reelection in a district that contains some portion of the territory
27 previously contained within the district from which he or she was
28 last elected. However, in a new district that contains portions of
29 the territory of more than one former district, the incumbent shall
30 be that candidate the greater portion of the ~~territory~~ *population,*
31 *as determined by the most recent federal decennial census,* of
32 whose former district is included within the new district.

33 (d) In the event there is no candidate to whom subdivision (a),
34 (b), or (c) apply, the incumbent shall be that candidate who is
35 running for the same office that he or she then holds, and who is
36 running for reelection in a district that has the identical number as
37 the district from which he or she was last elected. However, a
38 candidate for the office of Member of the Assembly shall be

1 considered the incumbent in this case only if the district bearing
2 the same number is located in the same county as the district that
3 previously bore that number.

4 (e) If there is no candidate in a given district to which any of
5 the above provisions apply, the incumbent shall be the person who
6 is a candidate for the same office that he or she then holds who
7 fulfills the residency requirements of law for candidacy within the
8 district.

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