ASSEMBLY BILL   No. 2715

Introduced by Assembly Member Roger Hernández

February 21, 2014

An act to add Section 14028.5 to the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 2715, as introduced, Roger Hernández. District-based municipal elections.

Existing law provides for political subdivisions that encompass areas of representation within the state. With respect to these areas, public officials are generally elected by all of the voters of the political subdivision (at-large) or from districts formed within the political subdivision (district-based). Existing law, the California Voting Rights Act of 2001, prohibits an at-large method of election to be imposed or applied in a manner that impairs the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election, as a result of the dilution or the abridgment of the rights of voters who are members of a protected class, as defined. Existing law authorizes the legislative body of a city to submit to voters at any municipal or special election an ordinance providing for a district-based method of election for the election of members of the legislative body.

This bill would require a district-based election to be imposed for the election of the members of the governing body of a city with a population of 100,000 or more, as determined by the most recent federal decennial census. This bill would authorize a city to petition the superior court for an order permitting the city to impose an at-large method of election for the members of the governing body. This bill would permit

the court to grant the order if it determines that imposing an at-large method of election would not violate the California Voting Rights Act of 2001. This bill would provide that a voter may file an action against a city that has been granted an order permitting the city to impose an at-large method of election alleging that the city violated the act.

By requiring cities to conduct elections for members of their legislative bodies in a specified manner, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

This bill would specify that its provisions become operative on July 1, 2015.

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

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

1 SECTION 1. Section 14028.5 is added to the Elections Code,
2 to read:
3 14028.5. (a) Notwithstanding any other provision of law,
4 except as provided in subdivision (b), in a city with a population
5 of 100,000 or more, as determined by the most recent federal
6 decennial census, a district-based election shall be imposed for the
7 election of the members of the governing body of the city.
8 (b) A city described in subdivision (a) may petition the superior
9 court of the county in which the city is located for an order
10 permitting the city to impose an at-large method of election for
11 the members of the governing body of the city. The court may
12 grant the petition if it finds that imposing an at-large method of
13 election would not violate Sections 14027 and 14028.
14 (c) A voter may file an action under Section 14032 against a
15 city that has been granted an order permitting the city to impose
16 an at-large method of election pursuant to subdivision (b) alleging
17 a violation of Sections 14027 and 14028.

1   SEC. 2. If the Commission on State Mandates determines that
2 this act contains costs mandated by the state, reimbursement to
3 local agencies and school districts for those costs shall be made
4 pursuant to Part 7 (commencing with Section 17500) of Division
5 4 of Title 2 of the Government Code.
6   SEC. 3. This act shall become operative on July 1, 2015.

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