

# Legislative Update

## AB 764: Local Redistricting



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# Assembly Bill 764 - Local Redistricting

- ▶ Approved by the Governor on October 7, 2023
- ▶ Effective January 1, 2024
- ▶ Amends the Code of Civil Procedures, Education Code, Elections Code and Government Code.

# Big Picture

- ▶ School districts, community college districts, and county boards of education will be subject to similar criteria and process requirements that apply to counties and cities when adjusting the boundaries of the trustee areas used to elect members of their governing bodies.
- ▶ The criteria and procedural requirements are included in the Fair And Inclusive Redistricting for Municipalities And Political Subdivisions (**FAIR MAPS**) Act of 2023.

Chapter 2 (commencing with Section 21100) of Division 21 of the Elections Code

# Substantive and Procedural Changes

- ▶ **Substantive Changes:** Requires local jurisdictions to adopt trustee area boundaries using a specified criteria when establishing trustee areas and adjusting trustee areas following each federal decennial census.
- ▶ **Procedural Changes:** Requires local jurisdictions to comply with uniform requirements related to redistricting following a federal decennial census.

# Redistricting County Boards of Education

## Education Code 1002:

- ▶ (a) Upon being so requested by the county board of education, the county committee on school district organization, by a two-thirds vote of the members, may either change the boundaries of any or all of the trustee areas of the county **pursuant to Chapter 2 (commencing with Section 21100) of Division 21 of the Elections Code**, or propose to increase or decrease the number of members of the county board of education, or both.
- ▶ (b) Following each decennial federal census, the county committee shall adopt trustee area boundaries **pursuant to Chapter 2 (commencing with Section 21100) of Division 21 of the Elections Code.**

# Redistricting School Districts and Community College Districts

## Education Code section 5019.5

- ▶ (a) Following each decennial federal census, the governing board of each school district or community college district in which trustee areas have been established shall adopt trustee area boundaries pursuant to Chapter 2 (commencing with Section 21100) of Division 21 of the Elections Code.
- ▶ (c) Except as provided in subdivision (a), the authority to establish or abolish trustee areas, rearrange the boundaries of trustee areas, increase or decrease the number of members of the governing board, or adopt any method of electing governing board members may be exercised only as otherwise provided under this article and Division 21 (commencing with Section 21000) of the Elections Code, as applicable.

# Establishing Trustee Areas in School Districts

## Education Code section 5019

- ▶ (a)(1) In any school district or community college district, the county committee on school district organization **may establish trustee areas**, rearrange the boundaries of trustee areas, abolish trustee areas, and increase to seven from five, or decrease from seven to five, the number of members of the governing board, or adopt one of the alternative methods of electing governing board members specified in Section 5030.

...

- ▶ **(e) Trustee areas shall comply with the requirements and criteria of Section 21130 of the Elections Code.**

# FAIR MAPS Act of 2023

## Elections Code section 21100(c)

The purposes of the Fair Maps Act of 2023, include:

- ▶ (2) Ensure the integrity, fairness, transparency, and accessibility of the local redistricting process, prohibit discriminatory local redistricting practices, and protect the people from unrepresentative and dilutive local electoral systems.
- ▶ (4) Establish mandatory districting and redistricting criteria to promote fair and effective representation for all people, neighborhoods, and communities, and particularly for disadvantaged, historically marginalized, under-resourced, low-income, and underrepresented neighborhoods and communities.
- ▶ (5) Establish ranked criteria that prioritize keeping whole neighborhoods and communities of interest together, facilitate political organization and constituent representation, and prohibit gerrymandering, including incumbent-protection gerrymandering.



# Elections Code section 21110

## Definitions/Terminology

Terms	Definitions
Legislative Body	Includes county board of education, a governing board of a school district, or a governing board of a community college district.
Election District	Election district of a legislative body, including a county board of education trustee area, school district trustee area, or community college district trustee area.
Small Education District	A county office of education, school district or community college district serving an area that has at total population of fewer than 250,000 residents.
Districting Body	The body that has the power to adopt a legislative body's election district, and which may include an independent redistricting commission.

## Criteria for Trustee Areas/Election Districts Elections Code section 21130(a)

- ▶ Districting body shall adopt boundaries for all of the election districts of the legislative body so that the election districts shall be substantially equal in population as required by the US Constitution.
- ▶ Population equality shall be based on total population of residents as determined by most recent federal decennial census.

## Criteria for Trustee Areas/Election Districts Elections Code section 21130(b)

- ▶ Districting body shall adopt election district boundaries that **comply with the United States Constitution, the California Constitution, and the federal Voting Rights Act.**
- ▶ Consistent with the districting body's existing obligations under the federal Voting Rights Act, **the districting body shall determine whether it is possible to create an election district/s in which a minority group is sufficiently large and geographically compact to constitute a majority in a single member district, as set forth in *Thornburg v. Gingles* and caselaw.**
- ▶ The districting body shall publish a summary of its analysis and findings within 7 days of completing the analysis or prior to adopting election district boundaries, whichever occurs first.

# Criteria for Trustee Areas/Election Districts

## Elections Code section 21130(c)

The districting body shall adopt election district boundaries using the following criteria as set forth in the following order of priority:

- ▶ **Geographically Contiguous** - Areas that meet only at points of adjoining corners or are separated by water and not connected by a bridge, tunnel or regular ferry service are not contiguous.
- ▶ **Communities of Interest** - Geographic Integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division.
- ▶ **Geographic Integrity of a City or Census Designated Place** shall be respected in a manner that minimizes its division.
- ▶ **Natural and Artificial Barriers** - Election district boundaries should be easily identifiable and understandable by residents.
- ▶ **Geographically Compact** - Nearby areas of population are not bypassed in favor of more distant populations.

## Criteria for Trustee Areas/Election Districts Elections Code section 21130(d) and (e)

- ▶ (d) The districting body shall not adopt election district boundaries for the purpose of favoring or discriminating against an incumbent, political candidate, or political party.
- ▶ (e) The districting body shall not adopt election district boundaries using any criterion that is prioritized over the criteria in subdivision (c) or that, expressly or as applied, conflicts with one of the requirements in subdivisions (a) to (d), inclusive, except as provided in subdivision (g) [for a charter city].

## Criteria for Trustee Areas/Election Districts Elections Code section 21130(f) and (i)

- ▶ (f) Within 21 days of adopting final election district boundaries, the districting body shall issue a report that explains the basis on which the districting body made its decisions in achieving compliance with the requirements and criteria described in this section, including, as to each neighborhood, community of interest, city, or census designated place that was split into two or more districts, the reason for that split. This paragraph does not apply to a special district or small education district.
- ▶ (i) The criteria and requirements of this section apply to all election district boundaries adopted after January 1, 2024, including district boundaries adopted when a legislative body transitions from being elected at-large to elected by districts or from districts.

# Redistricting Procedures

- ▶ Assembly Bill 764 will have a significant impact on the redistricting of school districts, community college districts and county boards of education, following the 2030 federal decennial census.
- ▶ Depending on the size of the local jurisdiction, AB 764 may require adoption of a Public Education and Outreach Plan and a minimum number of workshop meetings and public hearings to encourage public participation in the redistricting process.
- ▶ Each districting body will need to establish and maintain a redistricting web page for a specific period of time, and must include certain information, such as, summaries of public comment, draft maps, notices and agendas.

# Redistricting Guidance

## Elections Code section 21170

- ▶ No later than December 15, 2030, the Secretary of State will publish redistricting guidance explaining the local jurisdiction redistricting process, which will include summaries, templates, and checklists.
- ▶ Once the time for redistricting approaches in 2031, our office will begin to provide additional information based on the law and guidance from the Secretary of State.





# QUESTIONS AND ANSWERS