

## **ELECTIONS CODE - ELEC**

### **DIVISION 21. STATE AND LOCAL REAPPORTIONMENT [21000 - 23004]**

*( Division 21 enacted by Stats. 1994, Ch. 920, Sec. 2. )*

### **CHAPTER 6. Supervisorial Districts [21500 - 21509]**

*( Chapter 6 enacted by Stats. 1994, Ch. 920, Sec. 2. )*

#### **21500.**

(a) Following a county's decision to elect its board using district-based elections, or following each federal decennial census for a county whose board is already elected using district-based elections, the board shall adopt boundaries for all of the supervisorial districts of the county so that the supervisorial districts shall be substantially equal in population as required by the United States Constitution.

(1) Population equality shall be based on the total population of residents of the county as determined by the most recent federal decennial census for which the redistricting data described in Public Law 94-171 are available.

(2) Notwithstanding paragraph (1), an incarcerated person, as that term is used in Section 21003, shall not be counted towards a county's population, except for an incarcerated person whose last known place of residence may be assigned to a census block in the county, if information about the last known place of residence for incarcerated persons is included in the computerized database for redistricting that is developed in accordance with subdivision (b) of Section 8253 of the Government Code, and that database is made publicly available.

(b) The board shall adopt supervisorial district boundaries that comply with the United States Constitution, the California Constitution, and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.).

(c) The board shall adopt supervisorial district boundaries using the following criteria as set forth in the following order of priority:

(1) To the extent practicable, supervisorial districts shall be geographically contiguous. Areas that meet only at the points of adjoining corners are not contiguous. Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous.

(2) To the extent practicable, the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division. A "community of interest" is a population that shares common social or economic interests that should be included within a single supervisorial district for purposes of its effective and fair representation. Communities of interest do not include relationships with political parties, incumbents, or political candidates.

(3) To the extent practicable, the geographic integrity of a city or census designated place shall be respected in a manner that minimizes its division.

(4) Supervisorial district boundaries should be easily identifiable and understandable by residents. To the extent practicable, supervisorial districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the county.

(5) To the extent practicable, and where it does not conflict with the preceding criteria in this subdivision, supervisorial districts shall be drawn to encourage

geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.

(d) The board shall not adopt supervisorial district boundaries for the purpose of favoring or discriminating against a political party.

*(Amended by Stats. 2020, Ch. 90, Sec. 1. (AB 1276) Effective January 1, 2021.)*

### **21500.1.**

(a) This chapter applies to a county that elects members of the county's board of supervisors by districts or from districts.

(b) This chapter shall not be interpreted to limit the discretionary remedial authority of any federal or state court.

*(Amended by Stats. 2020, Ch. 90, Sec. 2. (AB 1276) Effective January 1, 2021.)*

### **21501.**

(a) (1) For redistricting occurring in 2031 and thereafter, the boundaries of the supervisorial districts shall be adopted by the board not later than 205 days before the county's next regular election occurring after January 1 in each year ending in the number two.

(2) For redistricting occurring before 2031 and where a county has a regular election occurring after January 1, 2022, and before July 1, 2022, the boundaries of the supervisorial districts shall be adopted by the board not later than 174 days before that election. Notwithstanding subdivision (b) of Section 8106, the forms required under that subdivision shall not be made available until at least 28 days after the adoption of a final map. The elections official shall reduce the required number of signatures for the in-lieu-filing-fee petition, as specified in subdivision (a) of Section 8106, by the same proportion as the reduction in time for the candidate to collect signatures.

(3) For redistricting occurring before 2031 and where a county does not have a regular election occurring after January 1, 2022 and before July 1, 2022, the boundaries of the supervisorial districts shall be adopted by the board not later than 205 days before the county's next regular election occurring on or after July 1, 2022.

(b) This section does not apply when a county transitions from at-large to district-based elections.

*(Amended by Stats. 2020, Ch. 90, Sec. 3. (AB 1276) Effective January 1, 2021.)*

### **21503.**

(a) After redistricting or districting pursuant to Section 21500, a board shall not adopt new supervisorial district boundaries until after the next federal decennial census, except under the following circumstances:

(1) A court orders the board to redistrict.

(2) The board is settling a legal claim that its supervisorial district boundaries violate the United States Constitution, the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.), or this chapter.

(3) The boundaries of the county change by the addition or subtraction of territory.

(b) This section does not prohibit a board from adopting supervisorial districts between federal decennial censuses if the board is adopting supervisorial districts for the first time, including when a board adopts supervisorial districts for the purpose of transitioning from electing its supervisors in at-large elections to elections by districts or from districts.

*(Repealed and added by Stats. 2019, Ch. 557, Sec. 7. (AB 849) Effective January 1, 2020.)*

### **21506.**

(a) The term of office of any supervisor who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the district from which the supervisor was elected.

(b) At the first election for county supervisors in each county following adoption of the boundaries of supervisorial districts, excluding a special election to fill a vacancy or a recall election, a supervisor shall be elected for each district under the new district plan that has the same district number as a district whose incumbent's term is due to expire. This subdivision does not apply when a county transitions from at-large to district-based elections.

(c) For a county employing both a primary and a general election, a change in the boundaries of a supervisorial district shall not be made between the direct primary election and the general election.

(d) Except as provided in subdivision (a), a person is not eligible to hold office as a member of a board of supervisors unless that person meets the requirements of Section 201 of the Elections Code and Section 24001 of the Government Code.

*(Amended by Stats. 2020, Ch. 90, Sec. 4. (AB 1276) Effective January 1, 2021.)*

### **21507.**

Before adopting the boundaries of a district pursuant to Section 21501 or 21503, or for any other reason, the board shall hold public hearings on the proposal in accordance with Section 21507.1. This section does not apply when a county transitions from at-large to district-based elections.

*(Amended by Stats. 2020, Ch. 90, Sec. 5. (AB 1276) Effective January 1, 2021.)*

#### **21507.1.**

(a) Before adopting a final map, the board shall hold at least four public hearings at which the public is invited to provide input regarding the composition of one or more supervisorial districts.

(1) At least one public hearing shall be held before the board draws a draft map or maps of the proposed supervisorial district boundaries.

(2) At least two public hearings shall be held after the board has drawn a draft map or maps of the proposed supervisorial district boundaries.

(b) At least one public hearing or public workshop shall be held on a Saturday, on a Sunday, or after 6 p.m. on a weekday Monday through Friday.

(c) Public hearing buildings shall be accessible to persons with disabilities.

(d) If a public hearing is consolidated with a regular or special meeting of the board that includes other substantive agenda items, the public hearing shall begin at a fixed time regardless of its order on the agenda, except that the board may first conclude any item being discussed or acted upon, including any associated public comment, when that time occurs. The time of the public hearing shall be noticed to the public.

(e) The board may have county staff or a consultant conduct one or more public workshops in lieu of holding one of the public hearings required by paragraph (1) of subdivision (a).

(f) The board may establish an advisory redistricting commission pursuant to Section 23002 to hold the public hearings required by paragraph (1) of subdivision (a).

*(Added by Stats. 2019, Ch. 557, Sec. 11. (AB 849) Effective January 1, 2020.)*

#### **21508.**

(a) The board shall take steps to encourage residents, including those in underrepresented communities and non-English speaking communities, to participate in the redistricting public review process. These steps shall include a good faith effort to do all of the following:

(1) Providing information to media organizations that provide county news coverage, including media organizations that serve language minority communities.

(2) Providing information through good government, civil rights, civic engagement, and community groups or organizations that are active in the county, including those active in language minority communities, and those that have requested to be notified concerning county redistricting.

(b) The board shall arrange for the live translation in an applicable language of a public hearing or workshop held pursuant to this chapter if a request for translation is made at least 72 hours before the hearing or workshop, unless less than five days' notice are provided for the hearing or workshop, in which case the request shall be made at least 48 hours before the hearing or workshop.

(c) Notwithstanding Section 54954.2 of the Government Code, the board shall publish the date, time, and location for any public hearing or workshop on the internet at least five days before the hearing or workshop. However, if there are fewer than 28 days until the deadline to adopt boundaries, the board may publish the agenda on the internet for at least three days before the hearing or workshop.

(d) (1) A draft map shall be published on the internet for at least seven days before being adopted as a final map by the board provided that, if there are fewer than 28 days until the deadline to adopt boundaries, the draft map may instead be published on the internet for at least three days.

(2) Each draft map prepared by a member of the board or by employees or contractors of the county shall be accompanied by information on the total

population, citizen voting age population, and racial and ethnic characteristics of the citizen voting age population of each proposed supervisorial district, to the extent the county has that data.

(3) (A) The board and employees or contractors of the county shall not release draft maps of supervisorial districts earlier than three weeks after the block-level redistricting database required by subdivision (b) of Section 8253 of the Government Code is first made publicly available. This subparagraph does not prohibit the board from holding public hearings or workshops on the placement of supervisorial district boundaries before the earliest date that draft maps of supervisorial districts may be released.

(B) If the period of time between the date that the redistricting database is made publicly available and the map adoption deadline is fewer than 90 days and more than 59 days, then the waiting period required by subparagraph (A) is reduced to one week. If the period of time between the date that the redistricting database is made publicly available and the map adoption deadline is fewer than 60 days, then the waiting period required by subparagraph (A) is waived.

(e) The board shall allow the public to submit testimony or draft maps in writing and electronically.

(f) The county shall either record or prepare a written summary of each public comment and board deliberation made at every public hearing or workshop held pursuant to this article. The county shall make the recording or written summary available to the public within two weeks after the public hearing or workshop.

(g) The board shall establish, and maintain for at least 10 years after the adoption of new supervisorial district boundaries, an internet web page dedicated to redistricting. The web page may be hosted on the county's existing internet website or another internet website maintained by the county. The web page shall include, or link to, all of the following information:

(1) A general explanation of the redistricting process for the county, in English and applicable languages.

(2) The procedures for a member of the public to testify during a public hearing or to submit written testimony directly to the board, in English and applicable languages.

(3) A calendar of all public hearing and workshop dates. A calendar listing that includes the time and location of the public hearing or workshop satisfies the notice required by subdivision (c).

(4) The notice and agenda for each public hearing and workshop.

(5) The recording or written summary of each public hearing and workshop.

(6) Each draft map considered by the board at a public hearing.

(7) The adopted final map of supervisorial district boundaries.

(h) For purposes of this section, "applicable language" means any language in which ballots are required to be provided in the county pursuant to Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).

(i) This section does not apply when a county transitions from at-large to district-based elections.

(j) Before January 1, 2021, and before January in each year ending in the number one thereafter, the Secretary of State shall publish on the internet a template explaining the county redistricting process that meets the requirements of paragraphs (1) and (2), inclusive, of subdivision (g). The Secretary of State shall

publish the template in all of the languages into which ballots are required to be translated in the state pursuant to Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503). The template shall be published in a conspicuous location on the Secretary of State's internet website.

*(Amended by Stats. 2020, Ch. 90, Sec. 6. (AB 1276) Effective January 1, 2021.)*

## **21509.**

(a) If the board does not adopt supervisorial district boundaries by the deadlines set forth in Section 21501, the board shall immediately petition the superior court of the county for an order adopting supervisorial district boundaries. If the board does not petition the superior court within five days after the deadline, any resident of the county may file that petition and shall be entitled to recover the resident's reasonable attorney's fees and costs from the county for doing so.

(b) (1) Upon finding that a petition filed pursuant to subdivision (a) is valid, the superior court shall adopt supervisorial district boundaries in accordance with the criteria set forth in Section 21500, which shall be used in the county's next regular election. The superior court may also order the adjustment of electoral deadlines as necessary to implement the new supervisorial district boundaries in the next regular election.

(2) The superior court may appoint a special master to assist the court with adopting the supervisorial district boundaries. The county shall pay the cost for the special master and associated costs.

(3) The superior court or the special master shall hold one or more public hearings before the superior court adopts the supervisorial district boundaries.

(4) Subject to the approval of the superior court, the special master may employ redistricting experts or other consultants or counsel, independent experts in the field of redistricting and computer technology, and other necessary personnel to assist them in their work. In addition, the special master may seek the full cooperation of the county in producing and using whatever data, computer models and programs, and technical assistance that was made available to the board and county personnel who are knowledgeable in the mechanics of drafting redistricting legislation. The superior court may assist the special master in securing the necessary personnel and the physical facilities required for their work, and to prepare for the prompt submission to the county of a request for county funding for the necessary expenses of the special master and the special master's staff.

(5) The supervisorial district boundaries adopted by the superior court shall be immediately effective in the same manner as if the court's order were an enacted resolution or ordinance of the board.

*(Added by Stats. 2019, Ch. 557, Sec. 13. (AB 849) Effective January 1, 2020.)*