



April 4, 2019

The Honorable Rob Bonta  
California State Assembly  
State Capitol Room, 2148  
Sacramento, CA 95814

**RE: Notice of Opposition Re: Assembly Bill (AB) 849 (Bonta) [As Amended March 14, 2019]**

Dear Assembly Member Bonta:

The League of California Cities (LCC) the California Special Districts Association (CSDA) and the City Clerks Association of California (CCAC), must respectfully oppose your Assembly Bill (AB) 849.

AB 849 will require every county, city, special district, school district, community college district, and county board of education to completely overhaul their entire process for establishing new election district boundaries and modifying existing ones.

**AB 849 Creates Unworkable and Highly Prescriptive Meeting Requirements**

AB 849 mandates that each local agency dependent on population size hold up to 10 public meetings, in different locations within their jurisdiction. Roughly half of these meetings must take place in the evenings and on the weekends which will result in overtime time for employees required to staff the meetings. Considering there are 58 counties, 482 cities, 977 school districts and approximately 2,000 special districts, there is going to be more redistricting meetings than the public could possibly attend. For example, when taking into account the number of special districts and school boards within a large city or county, local agencies will potentially host hundreds of meetings simultaneously, competing with each other for locations and will likely have to expend significant taxpayer dollars in employee overtime, rental space and equipment.

**Additional meetings requirements include:**

- Up to three meetings be held on weekends
- Three hearings be held during the week after 6:00pm
- The jurisdiction provide live translation services for all languages requested by the public

- The agency provide significant outreach materials in all applicable languages in addition to English at each meeting
- Within two weeks of adoption of new maps that every agency create a new report that outlines each way that the governing body complied with the new boundary provisions established in the bill

#### **AB 849 Mandates that Each Agency Create a new Standalone Website**

As outlined in 21608 (g) and duplicated in each section of the bill AB 849 requires that each agency create a **standalone website** specifically dedicated to districting and maintain that website for 10 years with the following requirements (truncated):

- Maintain the website in English as well as all applicable languages
- A calendar of all public hearings
- The notice and agenda of each workshop
- Audio and visual recordings and minutes of each public hearing
- Each draft map considered by the public
- The final adopted maps along with the published mandated report

#### **AB 849 Notification Requirements Exceed Those of the Ralph M. Brown Act**

California local agencies adhere to the most rigorous transparency requirements established by Ralph M. Brown Act (Brown Act). The League of Cities was the Sponsor of the Brown Act and supports legislation that conforms to the intent of the Act. The Brown Act clearly states that all posting and notices for meetings require a 72 hour notice. Although local jurisdictions at times struggle to comply with such a short timeline we understand that we must conduct the public's business with full disclosure and engagement. However, AB 849 compounds this requirement by establishing inconsistent posting requirements that exceed the Brown Act.

#### **Specifically the measure:**

- Requires that all agendas and notices for each of the public meetings be posted five days prior to a meeting instead of the well-established 72 hours
- Requires that all original draft maps be posted seven days prior to a meeting
- Should maps be adjusted, those maps must be reposted seven days prior to the next meeting

#### **AB 849 Overturns Established US and State Judicial Precedent—Removes Local Authority**

Currently, Federal and California courts have made clear in a series of rulings that considering where elected officials live and attempting to avoid pairings is an acceptable consideration. See: *Karcher v. Daggett*, 462 U.S. 725, 740 (1983); *Abrams v. Johnson*, 521 U.S. 74 , 84; *Bush v. Vera*, 517 U.S. 952, 959 (1996) and *Legislature v. Reinecke*, 7 Cal. 3d 93, 1972

California election law codifies judicial precedent, specifically in section 21601(b) which provides a list of factors that “may” be considered, so it does not limit or bar the consideration of other criteria such as where elected officials live.

AB 849 replaces “*may*” with “*shall*”, further listing “*to the extent practicable*” which provides no flexibility for local jurisdictions by effectively eliminating consideration of any other variables that need to be taken into consideration such as expected future population growth.

### **AB 849 Creates Solution in Search of Problem**

This bill appears to be a solution in search of a problem. In 2016, Senate Bill 1108 authorized all California cities and counties to create independent citizens commissions to redraw district lines. However, rather than allow those independent commissions to be established and determine the amount of public meetings they need to accomplish their goals and meet the needs of their communities, this bill strips local control and mandates how every type of local government must outreach to their own communities.

Unfortunately, the requirements AB 849 will create unworkable confusion and implementation challenges for thousands of local government agencies, remove virtually all local discretion on essentially every aspect of how an agency can establish, adopt and redrawn electoral boundaries— resulting in hundreds of millions of dollars of mandates which will either be unfunded or suspended by the State. For years our organizations individually and collectively have worked in good faith with the sponsors of this measure on issues pertaining to the California Voting Rights Act, California Public Records Act as well as a variety of other elections issues and transparency issues. Rather than pursue an adversarial measure that completely upends the entire process by which our local agencies establish boundaries, our organizations would be willing to work in a collaborative manner to find ways to address concerns.

As it stands, LCC, CSDA and CCAC must oppose AB 849. Should you have any questions regarding our position please feel free to contact Dane Hutchings, Legislative Representative (LCC) at 916-658-8200, Dillion Gibbons, Senior Legislative representative (CSDA) at 916 442-7887 or Randi Johl, Legislative Director (CCAC) at 916-658-8200.

CC: The Honorable Marc Berman, Chair Assembly Elections and Redistricting  
Members, Assembly Elections and Redistricting  
Ethan Jones, Chief Consultant, Assembly Elections and Redistricting  
Daryl M. Thomas, Republican Caucus