



Agenda Report

June 13, 2011

TO: Honorable Mayor and City Council
THROUGH: Legislative Policy Committee
FROM: Assistant City Manager
SUBJECT: SUPPORT FOR ASSEMBLY BILL 420 BY ASSEMBLYMAN DAVIS ON REDISTRICTING

RECOMMENDATION:

It is recommended that the City Council authorize the Mayor to send letters of support for Assembly Bill AB 420 (Davis) on redistricting which will allow for those who are incarcerated in California prisons to be counted in the city of their last known residency.

LEGISLATIVE POLICY COMMITTEE:

Assemblyman Mike Davis presented his bill to the Committee on May 25th. The Committee recommended to support this bill and to forward it to the full City Council.

BACKGROUND:

California Elections Code Section 2025 states that incarcerated individuals remain legal residents in their home communities, and are not legal residents of the places where they are confined. But for the purposes of redistricting, the State relies on data from the Census Bureau that counts incarcerated individuals at their prisons, and not at home or their last known residence. This practice has the effect of improperly inflating the population count in some districts, and carries with it the risk of affecting the redrawing of district lines.

Proposition 11, which was approved by the voters at the 2008 statewide general election, created the Citizens Redistricting Commission (CRC) and gave it the responsibility for establishing district lines for the Assembly, Senate, and Board of Equalization. Proposition 20, which was approved by the voters at the 2010 statewide general election, gave the CRC the responsibility for establishing lines for California's

congressional districts. Because Propositions 11 and 20 established the CRC in the Constitution, and gave it the independent authority to draw district lines for the Assembly, Senate, Congress, and BOE, it is unclear whether the Legislature can require the CRC to adjust census figures for redistricting purposes. In recognition of this fact, this bill does not require the CRC to adjust census figures, but rather requests that it do so.

This bill would not impact that ongoing process currently being conducted by the CRC. That is because this bill would apply for the 2020 census and the subsequent redistricting process only-not the current process. Similarly, this bill would not impact any local jurisdiction that is currently redrawing district lines to reflect the 2010 census. Supporters of AB 420 include the NAACP Legal Defense Fund, AFSME, California League of Women Voters, and California Common Cause.

COUNCIL POLICY

Support of this bill would promote the City Council's goal of enhancing the quality of life and local economy by including Pasadena residents who are incarcerated in other cities to be counted here for census purposes. The current practice has the effect of improperly inflating the population count in some districts, and carries with it the risk of affecting the redrawing of district lines.

FISCAL IMPACT:

There is no current fiscal impact associated with supporting AB 420.

Respectfully submitted,



JULIE A. GUTIERREZ
Assistant City Manager

Approved by:



MICHAEL J. BECK
City Manager