



## **MEMORANDUM**

**TO: Redistricting Advisory Commission**

**FROM: Zoey Merrill, Deputy County Counsel**

**DATE: October 13, 2021 RAC Meeting**

**SUBJECT: Effect of Redistricting on Incumbent Board Members and Effective Date of Maps Adopted Pursuant to Elections Code 21500 et seq.**

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Members of the RAC have posed the following questions:

1. What is the effect on incumbent Board members if the new district lines result in their personal residence being in a different district than the one they currently represent?
2. When does the Supervisorial District boundary map the Board adopts become effective?

### **Alteration of District Lines that Result in Change of Residency**

Pursuant to California Elections Code Section 21506, the term of a sitting Board of Supervisor will not be effected if redistricting results in a change to that Supervisor's district of residence. That Board member may complete their term and only upon completion of their term will they be required to use their new district of residence for future elections.

Specifically, Elections Code Section 21506 states:

- (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.
- (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.

### **Date the Map of Supervisorial District Boundaries Become are Effective**

Pursuant to Elections Code Section 21500, the Board of Supervisors is required to adopt new district maps based on the 2020 Census Data. Pursuant to Elections Code Section 21501, the Board shall do that by December 15, 2021 (which is 174 days prior to the next regular election). The district maps adopted by the Board of Supervisors are effective immediately for the purpose of complying with the Elections code and providing them to the Secretary of State, which will compile the maps and information for use in the next election.

Due to the late release of the 2020 census data, there were questions about the meaning of “adopt” as it related to the strict deadline for Board of Supervisor action on the maps. Pursuant to an April 1, 2021, opinion by the Office of Legislative Counsel and now reflected in Senate Bill 594 (which as of the date of this memo was passed by both chambers and is awaiting signature by the Governor), the term “adopt” means the Board of Supervisors’ passage of an ordinance or resolution specifying those boundaries, not the effective date of the ordinance or resolution. So the maps will be deemed “adopted” on the date the Board acts, and will be final as of that date for submission to the Secretary of State.