

Date of Hearing: June 26, 2024

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Juan Carrillo, Chair

SB 977 (Laird) – As Amended June 13, 2024

**SENATE VOTE:** 31-8

**SUBJECT:** County of San Luis Obispo Redistricting Commission

**SUMMARY:** Creates a Citizens Redistricting Commission (Commission) in San Luis Obispo County. Specifically, **this bill:**

- 1) Provides for the creation of the Commission, and tasks it with adjusting the boundary lines of the county's supervisorial districts in the year following the year in which the decennial federal census is taken. Requires the San Luis Obispo County Board of Supervisors (board) to provide reasonable funding and staffing for the Commission, to ensure that a computerized redistricting database is available, and to ensure that the public has access to redistricting data and computer software equivalent to what is available to the commissioners.
- 2) Requires the Commission to consist of 11 members, and to be created no later than December 31 in each year ending in the number zero.
- 3) Requires the political party preferences of commissioners to be as proportional as possible to the political party registrations of voters in the county, as specified. Requires at least one commissioner to reside in each of the existing supervisorial districts.
- 4) Requires each commissioner to meet all of the following qualifications:
  - a) Be a county resident who was continuously registered to vote in the county with the same party preference for at least five years immediately preceding the person's appointment;
  - b) Have voted in at least one of the last three statewide elections before the person's application;
  - c) Possess experience that demonstrates analytical skills relevant to redistricting and voting rights, and possess an ability to comprehend and apply applicable legal requirements;
  - d) Possess experience that demonstrates an ability to be impartial; and,
  - e) Possess experience that demonstrates an appreciation for the diverse demographics and geography of the county.
- 5) Prohibits a person from being a commissioner if the person or a family member of the person was elected or appointed to, or was a candidate for, a San Luis Obispo County elective office in the eight years preceding the person's application.
- 6) Prohibits a person from being a commissioner if the person or the person's spouse did any of the following in the eight years preceding the person's application, or if a family member of

the person other than the person's spouse did any of the following in the four years preceding the person's application:

- a) Served as an officer or employee of, or paid consultant to, a campaign committee for a candidate for San Luis Obispo County elective office.
  - b) Served as an officer or employee of, or paid consultant to, a political party or as an elected or appointed member of a political party central committee.
  - c) Served as a staff member or a consultant to, or who has contracted with, a currently serving San Luis Obispo County elected officer.
  - d) Been registered to lobby for San Luis Obispo County.
  - e) Contributed \$500 or more in a year to any candidate for a San Luis Obispo County elective office. Permits San Luis Obispo County to adjust this amount for inflation, as specified.
- 7) Requires the county elections official to review commissioner applications and eliminate applicants who do not meet the qualifications. Requires the elections official to select up to 60 qualified applicants and to publicize their names for at least 30 days. Permits the elections official, during this period, to eliminate any applicant if the official becomes aware that the applicant does not meet the qualifications. Prohibits the elections official from communicating with a member of the board or their agent about the nomination process or applicants before the publication of up to 60 qualified applicants.
  - 8) Requires the elections official to create a sub-pool of applicants for each of the five existing supervisorial districts. Requires the clerk of the board, or their designee, to conduct a random drawing to select one commissioner from each of the five sub-pools.
  - 9) Requires the five selected commissioners to appoint six additional members from the remaining applicants. Requires these appointees to be chosen based on relevant experience, analytical skills, and ability to be impartial, and to ensure that the Commission reflects the county's diversity, as specified. Requires the five commissioners to select applicants so that the political party preferences of the members of the Commission are as proportional as possible to the registered voters in the county. Requires an applicant to receive the vote of at least three of the five selected commissioners to be appointed.
  - 10) Requires commissioners to apply the requirements of this bill in a manner that is impartial and that reinforces public confidence in the integrity of the redistricting process.
  - 11) Provides that the term of office of each member of the Commission expires upon the appointment of the first member of the succeeding Commission.
  - 12) Provides that seven members of the Commission constitute a quorum and requires seven or more affirmative votes for any official action.

- 13) Requires each commissioner to be present for all the Commission's public hearings and internal meetings to the greatest extent practicable.
- 14) Requires a consultant to the Commission to disclose any potential or actual conflicts of interest before delivering advice to the Commission or a commissioner.
- 15) Prohibits commissioners from communicating with any individual or organization regarding redistricting matters outside of a public meeting. Provides that this provision does not restrict the Commission from communicating with the staff of the legislative body of the local jurisdiction regarding administrative matters of the Commission, or restrict a commissioner from directly communicating with another commissioner, Commission staff, legal counsel, or consultants retained by the Commission.
- 16) Requires the Commission to create bylaws or other rules of procedure to conduct orderly meetings and communication. Requires the bylaws to include provisions to address how the Commission will fill a vacancy following the resignation or removal of a commissioner, and to address the process for the Commission to remove a commissioner, as specified.
- 17) Requires each commissioner to be a designated employee for the conflict of interest code adopted by the county, as specified, thereby requiring members to file statements of economic interests and to comply with specified state laws regarding conflicts of interests and limits on gifts and honoraria.
- 18) Requires the Commission to establish single-member supervisorial districts under a mapping process using the following criteria as outlined in the following order of priority:
  - a) Requires districts to comply with the United States (US) Constitution and requires each district to have a reasonably equal population with other districts for the board, except where the deviation is required to comply with the federal Voting Rights Act (VRA) or allowable by law. Provides that population equality shall be based on the total population of residents in the county as determined by the most recent federal decennial census for which redistricting data are available, as specified. Provides that an incarcerated person shall not be counted towards the county's population except for an incarcerated person whose last known place of residence can be assigned to a census block in the county if information about the last known place of residence for incarcerated persons is included in a specified computerized database for redistricting;
  - b) Requires districts to comply with the VRA;
  - c) Requires the Commission to adopt district boundaries using the criteria that applies generally to county redistricting in the state.
- 19) Requires the Commission to comply with the Ralph M. Brown Act (the state's open meetings law).
- 20) Permits the Commission to modify the location and means of participation in public hearings if a government health order prohibits large gatherings, as specified.

- 21) Requires the Commission, prior to drawing a draft map, to conduct at least five public hearings, to take place no fewer than 30 days, with at least one hearing in each supervisorial district.
- 22) Requires the Commission, after drawing a draft map, to do both of the following:
  - a) Post the map for public comment on the county's website; and,
  - b) Conduct at least three public hearings over no fewer than 30 days.
- 23) Requires the Commission to make a calendar of all public hearings publicly available, and to post the agenda for the hearings at least seven days before the hearings. Requires the agenda for a meeting conducted after the Commission has drawn a draft map to include a copy of that map. Requires hearings to be scheduled at various times and days of the week.
- 24) Defines an "applicable language," as a language for which the number of residents of the county who are members of a language minority is greater than or equal to three percent of the total voting-age residents of the county. Requires the Commission to arrange for the live translation of a hearing into an applicable language if a request is made at least 72 hours before the hearing. Requires the Commission to ensure that all outreach materials, public notifications, agendas, and content on its website, including instructions for testifying and submitting written public testimony, are translated into all applicable languages.
- 25) Requires the Commission to take steps to encourage county residents to participate in the redistricting process, as specified.
- 26) Provides that all records of the Commission relating to redistricting, and all data considered by the Commission in drawing a draft map or the final map, are public records.
- 27) Makes the Commission subject to restrictions on the release of draft maps and deadlines for the adoption of final maps that are generally applicable to county redistricting. Provides that the adopted map is subject to referendum.
- 28) Requires the Commission to issue, with the final map, a report that explains how it made its decisions in achieving compliance with the required criteria.
- 29) Prohibits a commissioner from doing any of the following:
  - a) While serving on the Commission, endorsing, working for, volunteering for, or making a campaign contribution to a candidate for an elective office of San Luis Obispo County.
  - b) Being a candidate for an elective office of San Luis Obispo County if either of the following is true:
    - i) Less than five years have elapsed since the commissioner's appointment.
    - ii) The election for that office will be conducted using district boundaries that were adopted by the Commission on which the member served, and those district boundaries have not been subsequently readopted by a Commission after the end of

- the member's term on the Commission.
- c) For four years from the commissioner's appointment:
    - i) Accepting employment as a staff member of, or consultant to, an elected official or candidate for elective office of San Luis Obispo County.
    - ii) Receiving a noncompetitively bid contract with San Luis Obispo County.
    - iii) Registering as a lobbyist for San Luis Obispo County.
- 30) Provides that the Commission may remove a commissioner only for substantial neglect of duty, gross misconduct in office, causing the Commission to be unable to discharge its duties with seven affirmative votes, or if it is later discovered that the commissioner did not meet the required qualifications at the time of appointment or no longer meets those qualifications, as specified.
- a) Prohibits a commissioner who is subject to removal from voting on their removal.
  - b) Provides that a commissioner is entitled to receive all of the following from the Commission before their removal:
    - i) The reasons for their proposed removal, are in writing.
    - ii) At least one week's written notice of the public meeting where the Commission will vote on their proposed removal.
    - iii) The opportunity to respond to or rebut the reasons for their removal in writing and at the public meeting where the Commission will vote on their proposed removal.
  - c) Permits the Commission to employ legal counsel in seeking the removal of a commissioner.
  - d) Provides that the decision of the Commission to remove a member is final, non-appealable, and not subject to judicial review.
- 31) Requires the county elections official, if the Commission is unable to act because it has fewer than seven voting commissioners, to select a replacement from the pool of remaining qualified candidates from the initial commissioner selection process within one month of the determination that the Commission cannot act. Requires, to the greatest extent practicable, that the newly elected commissioner have the same political party preference as the commissioner who vacated their position.
- 32) Makes findings and declarations that a special law is necessary because of the unique circumstances facing San Luis Obispo County.

**EXISTING LAW:**

- 1) Requires the board of supervisors of each county, following each federal decennial census, to adopt boundaries for all of the supervisorial districts of the county so that the supervisorial districts are substantially equal in population as required by the US Constitution, as specified. [Elections Code (EC) §§ 21500 et seq.]
- 2) Authorizes a local jurisdiction, including a county, to establish an independent, hybrid, or advisory redistricting commission by resolution, ordinance, or charter amendment, subject to certain conditions. [EC §§ 23000 et seq.]
- 3) Establishes a procedure for a government of a county to adopt a charter by a majority vote of its electors voting on the question. Generally provides greater autonomy over county affairs to counties that have adopted charters. [California Constitution Article XI, §§ 3, 4]
- 4) Provides that charter counties are subject to statutes that relate to apportioning the population of governing body districts. [California Constitution Article XI, § 4(a)]
- 5) Establishes Citizens Redistricting Commissions in Fresno, Kern, Los Angeles, Orange, Riverside, Sacramento, and San Diego counties, and charges the commissions with adjusting the boundaries of supervisorial districts after each decennial federal census, as specified. [EC §§ 21530-21535, 21540-21546, 21550-21553, 21560-21565, 21570-21575, 21580-21588, 21590-21595)]

**FISCAL EFFECT:** According to the Senate Appropriations Committee, “By requiring San Luis Obispo County to create and operate a redistricting commission as specified, this bill creates a state-mandated local program. To the extent the Commission on State Mandates determines that the provisions of this bill create a new program or impose a higher level of service on San Luis Obispo County, the County could claim reimbursement of those costs (General Fund). The magnitude of these costs is unknown, but minimally in the hundreds of thousands of dollars on a decennial basis.”

**COMMENTS:**

- 1) **Bill Summary.** This bill creates a Commission to adjust county supervisorial district boundaries within San Luis Obispo County and requires the Board of Supervisors to fund and staff the Commission, ensure access to redistricting data, and provide computer software for public use. This bill outlines the selection process for commissioners, who must meet specific qualifications to ensure Commission diversity, the responsibilities of the commissioners, and what the commissioners cannot do. This bill establishes that the Commission, formed every decade, must comply with specific legal criteria, such as holding public hearings before finalizing district maps. Commissioners must adhere to conflict of interest laws, cannot run for office or work for the county for a set period after their term, and must encourage public participation. This bill also mandates transparency and public access to all redistricting records.

This bill establishes that the Commission and commissioners may adjust public hearing logistics if health orders restrict large gatherings. Additionally, the Commission can remove a commissioner for substantial neglect, gross misconduct, or disqualification with seven

affirmative votes. The removed commissioner is entitled to written reasons, notice of the public meetings, and the opportunity to respond.

This bill requires consultants to disclose conflicts of interest before advising the Commission. This bill also establishes that all records and data related to redistricting are public records and that the Commission is subject to general county redistricting rules and deadlines, and the adopted map is subject to referendum.

This bill explains that special law provisions are necessary due to unique circumstances in San Luis Obispo County.

This bill is sponsored by the San Luis Obispo County Board of Supervisors.

- 2) **Author's Statement.** According to the author, "Senate Bill 977 creates an independent citizens redistricting commission in San Luis Obispo. San Luis Obispo County requested I author this legislation after litigation was settled over the most recent redistricting process. There has been a thorough public process at the local level to produce a thoughtful proposal that reflects the Community's wishes, which is encapsulated in Senate Bill 977.

"This bill ensures that future redistricting processes in San Luis Obispo are conducted through a neutral, non-partisan process."

- 3) **Redistricting Overview.** "Redistricting" is the process by which the boundaries of districts of a governmental body are adjusted. Redistricting generally occurs at the beginning of each decade following the decennial federal census, when new district lines are adopted based on the census data so that the populations of each district of a governmental body are roughly equal. Over the course of the decade, districts can become significantly unequal in population due to differential growth rates in various locations of a jurisdiction. Redistricting is the way this inequality is corrected.
- 4) **California Citizens Redistricting Commission.** Proposition 11, which was approved by the voters at the 2008 statewide general election, created the California Citizens Redistricting Commission (CCRC) and gave it the responsibility for establishing district lines for the Assembly, Senate, and Board of Equalization (BOE). Proposition 11 also modified the criteria to be used when drawing district lines. Two years later, California voters approved Proposition 20, which gave the CCRC the responsibility for establishing lines for California's congressional districts, and made other changes to the procedures and criteria to be used by the CCRC. The CCRC consists of 14 registered voters, including five Democrats, five Republicans, and four others, all of whom are chosen according to procedures specified in Proposition 11. The CCRC adopted district lines for the Legislature, Congress, and the BOE in 2011 following the release of 2010 census data, and again in 2021 following the release of 2020 census data.
- 5) **Local Redistricting Commissions and Previous Legislation.** Prior to 2017, state law generally permitted a county or a city to create an *advisory* redistricting commission (described in state law at the time as a "committee" of residents of the jurisdiction), but did not expressly permit local jurisdictions to create commissions that had the authority to establish district boundaries. Instead, the authority to establish district boundaries for a local jurisdiction generally was held by the governing body. While charter cities could establish redistricting commissions that had the authority to establish district boundaries, charter

counties did not have that authority in the absence of express statutory authorization.

In 2016, however, the Legislature passed and the Governor signed SB 1108 (Allen), Chapter 784, Statutes of 2016, which permits a county or a general law city to establish a redistricting commission, subject to certain conditions. SB 1018 (Allen), Chapter 462, Statutes of 2018, built upon SB 1108 by allowing all local governmental entities to establish redistricting commissions, and by modifying some of the rules governing local redistricting commissions.

Separately, the Legislature has enacted several bills to require specified counties to establish redistricting commissions. SB 958 (Lara), Chapter 781, Statutes of 2016, required the establishment of a Citizens Redistricting Commission in Los Angeles County. Similarly, AB 801 (Weber), Chapter 711, Statutes of 2017, required the establishment of a Citizens Redistricting Commission in San Diego County. These commissions were in place for redistricting following the 2020 federal decennial census and drew the district lines for those counties' supervisorial districts.

Since the 2020 redistricting process, the Legislature has enacted bills to create redistricting commissions in Riverside County (AB 1307 (Cervantes), Chapter 403, Statutes of 2022), Fresno County (AB 2030 (Arambula), Chapter 407, Statutes of 2022), Kern County (AB 2494 (Salas), Chapter 411, Statutes of 2022), Orange County (AB 34 (Valencia), Chapter 315, Statutes of 2023), and Sacramento County (SB 314 (Ashby), Chapter 389, Statutes of 2023). All of those commissions will be created for the next redistricting process following the 2030 census.

SB 977 differs from the requirements on other commissions in several ways. One significant difference is that it requires the appointment of 11 commissioners, instead of the 14-member commissions that have been created in prior redistricting commission bills. SB 977 additionally requires just five commissioners to be chosen at random from the screened pool of applicants, with those five commissioners appointing the remaining six commissioners. Other county redistricting commissions provide for eight commissioners to be chosen at random from the screened pool of applicants. Other differences between SB 977 and previously enacted commissions include the following:

- SB 977 requires the entity that screens the applicants to the Commission (in this case, the county elections official) to select *up to* 60 qualified applicant names to be included in the pool from which commissioners are chosen, but does not specify a minimum number of names in that pool, meaning that as few as 11 applicants could be included in the pool. Other county commission legislation requires that 60 applicant names be included in the pool from which commissioners are chosen.
- The first five members of the Commission, when choosing the remaining commissioners, must conduct interviews and allow for public comment in a public meeting. Other Commissions have not included these requirements.
- Prior to drawing a map, the Commission must conduct five public hearings to take place over a period of no fewer than 30 days. Other commissions require seven public hearings in the same time frame.
- The Commission must arrange for a live translation of a public hearing if the request for translation is made at least 72 hours before the hearing. Other commissions allow someone to request a translation with only having to provide a 24-hour notice.



- 6) **Local Control.** SB 977 requires the creation of an independent redistricting commission (IRC) in San Luis Obispo County to draw the boundaries for supervisorial districts, beginning after the 2030 census. However, counties can already establish redistricting commissions by ordinance under SB 1108—and local voters may do so through their initiative power. Given that this bill is sponsored by the affected county, a question may be raised about the need for this bill, and whether redistricting in San Luis Obispo County is a decision best made by the Legislature, or local voters and their elected officials.
- 7) **2021 San Luis Obispo County Redistricting.** The authority to establish district boundaries for a local jurisdiction generally is held by the governing body of that jurisdiction. In January 2021, the San Luis Obispo County Board of Supervisors directed staff to establish a County Staff Advisory Committee to draw multiple supervisorial district maps and to present those to the Board of Supervisors for their consideration. The Advisory Committee presented the Board of Supervisors with three different maps, and the Board held four public hearings before adopting a map in December 2021. The map adopted by the Board was not one of the maps prepared by the Advisory Committee, but instead was prepared and submitted by a county resident.

In January 2022, the County was sued over the validity of the map but the Court allowed the adopted map to be used in the 2022 election cycle. However, the Court also found the Petitioners “established a reasonable probability of prevailing” on a claim that the map that was adopted violated a provision of state law that prohibited the adoption of supervisorial district boundaries “for the purpose of favoring or discriminating against a political party.” In January 2023, the Board entered into settlement negotiations with the Petitioners and reached an agreement in March 2023. In April 2023, the Board repealed the map that it had adopted in December 2021 and instead adopted a new map. That new map was used in this year’s primary election for three supervisorial districts.

- 8) **Translations of Redistricting Hearings and Materials.** This bill requires the Commission to arrange for the live translation of its hearings upon request into “applicable languages,” defined to mean any language for which the number of residents in San Luis Obispo County who are members of a language minority is greater than or equal to 3% of the total voting age residents in the county. Additionally, this bill requires the Commission to ensure that all outreach materials, public notifications, agendas, and content on its website, including instructions for testifying and submitting written public testimony, are translated into all applicable languages. Based on the most recently available data from the US Census Bureau, it appears that Spanish is likely the only language that currently would be considered an “applicable language” in San Luis Obispo County. Requiring hearings and materials to be translated may make the redistricting process in San Luis Obispo County more accessible to voters who are members of language minority groups.
- 9) **Partisan Make Up.** This bill requires the political party preferences of the commissioners to be as proportional as possible to the total number of voters who are registered with each political party in San Luis Obispo County or who decline to state or do not indicate a party preference, as determined by registration at the most recent statewide election. According to the most recent voter registration figures from the Secretary of State, 38.58% of registered voters in San Luis Obispo County are registered as Democrats, 34.87% are registered as Republicans, 18.20% are registered as having No Party Preference, and the remaining 8.35% of voters are registered with another party or are registered with a political body that is

attempting to qualify as a political party. While this bill provides that "the political party or no party preferences of the commission members are not required to be the same as the proportion of political party or no party preferences among the registered voters of the county," to reflect these registration figures, an 11-member commission might be expected to have four or five Democrats, three or four Republicans, two members registered as having no party preference, and one member registered with other political parties or bodies. The ability of the Commission to reflect those registration figures could be limited based on the results of the random drawing to select the first five commissioners.

10) **Arguments in Support.** The San Luis Obispo County Board of Supervisors, the sponsor of this bill, writes, "SB 977 establishes an 11-person Citizens' Independent Redistricting Commission (Commission) for San Luis Obispo County. This Commission will be tasked with establishing future supervisorial districts every 10 years in a transparent process that will be public and non-partisan. The Commission's structure is reflective of local stakeholder engagement and input gathered by county staff over months.

"The Commission will be comprised of county residents who are not elected officials, lobbyists, candidates, campaign donors, or their close family members. The Commission will be tasked with providing an open and transparent process to enable full public participation. The members will be selected through an application and selection process, where they will be subject to the criteria and qualifications outlined in the ordinance after an extensive outreach campaign.

"SB 977 builds on our organizational values, and by passing SB 977, California will continue to promote transparency and non-partisanship in the redistricting process."

11) **Arguments in Opposition.** None on file.

12) **Double-Referral.** This bill was double-referred to the Elections Committee, where it passed on a 6-0 vote on June 12, 2024.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

San Luis Obispo County Board of Supervisors (SPONSOR)  
American Federation of State, County and Municipal Employees, Afl-cio  
California Common CAUSE  
County of San Luis Obispo  
League of Women Voters of California  
San Francisco Board of Supervisors

### **Opposition`**

None on file.

**Analysis Prepared by:** Claire Norton / L. GOV. / (916) 319-3958