

Date of Hearing: January 12, 2022

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Cecilia Aguiar-Curry, Chair

AB 1307 (Cervantes) – As Introduced February 19, 2021

**SUBJECT:** County of Riverside Citizens Redistricting Commission.

**SUMMARY:** Creates a Citizens Redistricting Commission in the County of Riverside. Specifically, **this bill:**

- 1) Creates a Citizens Redistricting Commission in the County of Riverside and requires it to adjust the boundary lines of the supervisorial districts of the county's board of supervisors (board) in the year following the year in which the decennial federal census is taken, in accordance with this bill.
- 2) Requires the commission to be created no later than December 31, 2030, and in each year ending in the number zero thereafter, states that the selection process is designed to produce a commission that is independent from the influence of the board and reasonably representative of the county's diversity, and requires the commission to consist of 14 members.
- 3) Requires the political party preferences of the commission members, as shown on the members' most recent affidavits of registration, to be as proportional as possible to the total number of voters who are registered with each political party in the County of Riverside, as determined by registration at the most recent statewide election. However, the political party preferences of the commission members are not required to be exactly the same as the proportion of political party preferences among the registered voters of the county.
- 4) Requires at least one commission member to reside in each of the five existing supervisorial districts of the board, and requires each commission member to meet all of the following qualifications:
  - a) Be a resident of the County of Riverside.
  - b) Be a voter who has been continuously registered in the County of Riverside with the same political party or unaffiliated with a political party and who has not changed political party affiliation for five or more years immediately preceding the date of their appointment to the commission.
  - c) Have voted in at least one of the last three statewide elections immediately preceding their application to be a member of the commission.
  - d) Within the 10 years immediately preceding the date of application to the commission, neither the applicant, nor an immediate family member of the applicant (defined as a spouse, child, in-law, parent, or sibling), has done any of the following:
    - i) Been appointed to, elected to, or have been a candidate for office at the local, state, or federal level representing the County of Riverside, including as a member of the board.

- ii) Served as an employee of, or paid consultant for, an elected representative at the local, state, or federal level representing the County of Riverside.
  - iii) Served as an employee of, or paid consultant for, a candidate for office at the local, state, or federal level representing the County of Riverside.
  - iv) Served as an officer, employee, or paid consultant of a political party or as an appointed member of a political party central committee.
  - v) Been a registered state or local lobbyist.
- e) Possess experience that demonstrates analytical skills relevant to the redistricting process and voting rights, and possess an ability to comprehend and apply the applicable state and federal legal requirements.
  - f) Possess experience that demonstrates an ability to be impartial.
  - g) Possess experience that demonstrates an appreciation for the diverse demographics and geography of the County of Riverside.
- 5) Allows an interested person meeting the qualifications specified in this bill to submit an application to the county elections official to be considered for membership on the commission. The county elections official shall review the applications and eliminate applicants who do not meet the specified qualifications.
  - 6) Requires, from the pool of qualified applicants, the county elections official to select 60 of the most qualified applicants, to make public the names of these applicants for at least 30 days, and to create a subpool for each of the five existing supervisorial districts of the board, as specified.
  - 7) Requires, at a regularly scheduled meeting of the board, the Auditor-Controller to conduct a random drawing to select one commissioner from each of the five subpools established by the county elections official and then conduct a random drawing from all of the remaining applicants to select three additional commissioners, as specified. These eight selected commissioners must then review the remaining names in the subpools of applicants and appoint six additional applicants to the commission, as specified.
  - 8) Requires the six 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, including racial, ethnic, geographic, and gender diversity. However, formulas or specific ratios shall not be applied for this purpose. The eight commissioners shall also consider political party preference, selecting applicants so that the political party preference of the members of the commission complies with the requirements of this bill.
  - 9) Requires a commission member to apply this bill in a manner that is impartial and that reinforces public confidence in the integrity of the redistricting process.
  - 10) Provides that the term of office of each member of the commission expires upon the appointment of the first member of the succeeding commission.

- 11) Requires nine members of the commission to constitute a quorum and requires nine or more affirmative votes for any official action.
- 12) Prohibits the commission from retaining a consultant who would not be qualified as an applicant pursuant to the requirements of this bill, and defines “consultant” to mean a person, whether or not compensated, retained to advise the commission or a commission member regarding any aspect of the redistricting process.
- 13) Requires each commission member to be a designated employee for purposes of the conflict of interest code adopted by the County of Riverside pursuant to specified provisions of existing law.
- 14) Requires the commission to establish single-member supervisorial districts for the board pursuant to a mapping process using the following criteria as set forth in the following order of priority:
  - a) Districts shall comply with the United States Constitution and each district shall have a reasonably equal population with other districts for the board, except where deviation is required to comply with the federal Voting Rights Act of 1965 (VRA) or allowable by law.
  - b) Districts shall comply with the VRA.
  - c) Districts shall be geographically contiguous.
  - d) The geographic integrity of any city, local neighborhood, or local community of interest shall be respected in a manner that minimizes its division to the extent possible, as specified.
  - e) Districts shall be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant areas of population, as specified.
- 15) Prohibits the place of residence of any incumbent or political candidate from being considered in the creation of a map. Districts shall not be drawn for purposes of favoring or discriminating against an incumbent, political candidate, or political party.
- 16) Requires the commission to comply with the Ralph M. Brown Act.
- 17) Requires, before the commission draws a map, the commission to conduct at least seven public hearings, to take place over a period of no fewer than 30 days, with at least one public hearing held in each supervisorial district.
- 18) Requires, after the commission draws a draft map, the commission to do both of the following:
  - a) Post the map for public comment on the website of the County of Riverside.
  - b) Conduct at least two public hearings to take place over a period of no fewer than 30 days.

- 19) Requires the commission to establish and make available to the public a calendar of all public hearings required by this bill. Hearings shall be scheduled at various times and days of the week to accommodate a variety of work schedules and to reach as large an audience as possible.
- 20) Requires the commission to post the agenda for the public hearings required by this bill at least seven days before the hearings, as specified.
- 21) Requires the commission to arrange for the live translation of a hearing held pursuant to this bill in an applicable language if a request for translation is made at least 24 hours before the hearing, as specified.
- 22) Requires the commission to take steps to encourage county residents to participate in the redistricting public review process. These steps may include:
  - a) Providing information through media, social media, and public service announcements.
  - b) Coordinating with community organizations.
  - c) Posting information on the website of the County of Riverside that explains the redistricting process and includes a notice of each public hearing and the procedures for testifying during a hearing or submitting written testimony directly to the commission.
- 23) Requires the board to take all steps necessary to ensure that a complete and accurate computerized database is available for redistricting, and that procedures are in place to provide to the public ready access to redistricting data and computer software equivalent to what is available to the commission members.
- 24) Requires the board to provide for reasonable funding and staffing for the commission.
- 25) 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.
- 26) Requires the commission to adopt a redistricting plan adjusting the boundaries of the supervisorial districts and to file the plan with the county elections official before August 15 of the year following the year in which each decennial federal census is taken. The plan shall be effective 30 days after it is filed with the county elections official and shall be subject to referendum in the same manner as ordinances.
- 27) Requires the commission to issue, with the final map, a report that explains the basis on which the commission made its decisions in achieving compliance with the criteria described in 14) and 15), above.
- 28) Provides that a commission member shall be ineligible for a period of five years beginning from the date of appointment to hold elective public office at the federal, state, county, or city level in this state. A commission member shall be ineligible for a period of three years beginning from the date of appointment to hold appointive federal, state, or local public office, to serve as paid staff for, or as a paid consultant to, the Board of Equalization, the

Congress, the Legislature, or any individual legislator, or to register as a federal, state or local lobbyist in this state.

- 29) Finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances facing the County of Riverside.
- 30) Provides that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to current law governing state mandated local costs.

**EXISTING LAW:**

- 1) Establishes the Citizens Redistricting Commission (CRC), and gives it the responsibility to establish district lines for the State Assembly, State Senate, congressional districts, and Board of Equalization.
- 2) Requires the governing body of each county and each city, following the decennial federal census, and using that census as a basis, to adjust the boundaries of any or all of the supervisorial or council districts so that the districts are as nearly equal in population as may be and comply with the applicable provisions of Section 2 of the VRA, as amended.
- 3) Authorizes a county, general law city, school district, community college district, or a special district to establish an independent redistricting commission, an advisory redistricting commission, or a hybrid redistricting commission by resolution, ordinance, or charter amendment, as specified.
- 4) Requires the County of Los Angeles and the County of San Diego to create independent redistricting commissions to adjust the boundary lines of their respective county's supervisorial districts, as specified.
- 5) Defines an "independent redistricting commission" to mean a body, other than a legislative body, that is empowered to adopt the district boundaries for a legislative body.
- 6) Defines "hybrid redistricting commission" to mean a body that recommends to a legislative body the new district boundaries in two or more maps for that legislative body, where the legislative body must adopt one of those maps without modification, except as may be required to comply with state or federal law.

**FISCAL EFFECT:** This bill is keyed fiscal and contains a state-mandated local program.

**COMMENTS:**

- 1) **Bill Summary.** This bill creates a Citizens Redistricting Commission for the County of Riverside and requires the commission to adjust the boundaries of the county's supervisorial districts after every decennial census. The bill establishes the composition of the commission at 14 members, requires at least one member to reside in each of the five existing districts, and further specifies the qualifications of commission members. The bill outlines the selection process for commission members and specifies their terms and their conduct, including numerous prohibited activities to avoid conflicts of interest. It also imposes

requirements for the districts that the commission would establish and the process the commission must follow in drafting and adopting the districts, including public hearings. This bill is sponsored by the author.

- 2) **Author's Statement.** According to the author, "Assembly Bill 1307 would help provide fairer boundaries for Riverside County's supervisorial districts by creating an independent citizens redistricting commission for the County. This bill advances the ongoing movement away from allowing California's elected officials to draw their own district boundaries, and instead entrust impartial, independent citizens redistricting commissions to do so.

"Los Angeles and San Diego counties, the first and second most populous counties in our state, both have their own independent citizens redistricting commissions after action by the Legislature over the last five years. If the two largest counties in our state are able to employ an independent citizens redistricting commission then surely Riverside, our state's fourth most populous county, is able to do so as well. In addition, the bill would not require Riverside County to create such a commission until the 2030 Census, giving the County nearly a decade to prepare for the implementation of this bill.

"The need for this bill has also been illustrated by the comportment of the Riverside County Board of Supervisors in redrawing their own districts after the 2020 Census. The map adopted by a majority of the Board of Supervisors in December 2021 appears to violate state and federal law. This failure of a majority of the Board of Supervisors to protect the voting rights of the Latinx community illustrates why an independent citizens redistricting commission is needed to draw fair maps for Riverside County."

- 3) **Background.** Voters created the CRC with passage of Proposition 11 in 2008 and granted the CRC the authority to establish district lines for the State Assembly, Senate, and Board of Equalization. Proposition 11 also modified the criteria used when drawing district lines. Proposition 20, approved by voters in 2010, gave the CRC the responsibility for establishing lines for California's congressional districts as well, and made other changes to the procedures and criteria to be used by the CRC. The CRC 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.

Prior to 2017, counties and general law cities were able to create advisory redistricting commissions, but were not able to create independent commissions with the authority to establish district boundaries. Instead, the authority to establish district boundaries for a local jurisdiction was generally held by the governing body of that jurisdiction. Charter cities are able to establish independent redistricting commissions that have the authority to establish district boundaries because the state Constitution gives charter cities broad authority over the conduct of city elections and over the manner in which, method by which, times at which, and terms for which municipal officers are elected. As a result, a number of California charter cities established redistricting commissions to adjust city council districts following each decennial census. However, counties and general law cities did not have that authority in the absence of express statutory authorization.

The Legislature has created independent redistricting commissions for two counties: one in San Diego County [SB 1331 (Kehoe), Chapter 508, Statutes of 2012] and one in Los Angeles County [SB 958 (Lara), Chapter 781, Statutes of 2016].

The Legislature also authorized (but did not require) counties and general law cities to establish redistricting commissions. SB 1108 (Allen), Chapter 784, Statutes of 2016, authorized two different types of commissions: independent commissions and advisory commissions. SB 1108 generally provided cities and counties with the discretion to determine the structure and membership of an advisory or independent redistricting commission. However, it did establish minimum qualifications for commission membership. While SB 1108 imposed few restrictions and requirements on advisory commissions, it did subject members of independent commissions to extensive eligibility requirements and post-service restrictions.

SB 1018 (Allen), Chapter 462, Statutes of 2018, extended the authority to adopt redistricting commissions to school districts, community college districts, and special districts. The bill also relaxed some of the eligibility requirements for members of independent commissions and eased one of the post-service restrictions on those members in an effort to expand the pool of individuals who are available to serve on such commissions. SB 1018 also allowed for the creation of hybrid commissions, subject to the same restrictions and requirements as independent commissions.

- 4) **Riverside County Redistricting.** Riverside County, at roughly 2.4 million residents, is the 10<sup>th</sup> most populous county in the nation and the fourth most populous county in California. Its redistricting process, like most California counties, remains in the hands of the county's board of supervisors. While the county's planning commission acts as an advisory redistricting commission for the county, the board retains authority over approving district maps.

According to multiple news reports, the county's most recent redistricting effort was fraught with controversies. A committee of senior county officials initially drew four maps that immediately faced backlash, primarily from community members and legislators representing the county who alleged the maps were "drawn with a clear intent to protect certain incumbent supervisors and dilute the influence of Latino voters." Latinos make up 49.7% of Riverside County's residents and the county's Hispanic or Latino population grew at a faster rate than the overall population over the past decade, up 20.8% from the 2010 U.S. Census. However, the county board of supervisors' first-ever Latino member, appointed in 2017, remains its only Latino supervisor.

The American Civil Liberties Union and the Mexican American Legal Defense and Education Fund (MALDEF) also took issue with the maps, claiming they violated the law and failed to include citizen voting age population data. A number of other concerns were raised throughout the process, including: representation for other groups such as African American voters and the Morongo Band of Mission Indians; a desire to keep certain cities or other geographic areas intact; an apparent lack of transparency; and, a seemingly rushed process. County officials argued that delays in obtaining census data created a much tighter timeline for drawing new districts than in prior redistricting efforts, a conundrum for all redistricting efforts statewide.

Multiple organizations and individuals advocated for maps with at least two Latino-majority supervisorial districts. In addition, a report released by the UCLA Voting Rights Project found the county could be at risk of legal action if the board failed to create two such districts. After reviewing multiple maps, some of which were proposed by community

groups, the board narrowed their options to three maps – one of which included two Latino-majority supervisorial districts and two of which did not. The board ultimately selected a map that contains only one Latino-majority district, refueling concerns that the county could be at risk of legal challenge. A similar scenario played out in Kern County, which ultimately reached a court agreement with MALDEF in 2018 to redraw its 2011 maps to create a second Latino-majority district.

It is worth noting that Riverside County is not the only local jurisdiction in California where the most recent redistricting process became contentious. San Luis Obispo County, Santa Cruz County, Fresno County, and Sonoma County – to name just a few – made headlines over the course of their 2021 redistricting efforts. In addition, redistricting not uncommonly involves fierce debates no matter which lines are being redrawn.

5) **Amendments.** The author committed to accepting amendments in Elections Committee that, due to timing, must be taken in this committee. According to the Elections Committee analysis, these amendments include:

a) **Author’s Amendments.** After the committee’s deadline for pre-committee author’s amendments, the author proposed amendments to add Assemblymember Eduardo Garcia as a co-author, and to make this bill consistent with the San Diego County Independent Redistricting Commission’s eligibility requirements that prohibit a person from serving on the commission if that person or immediate family member of the person served as a registered federal lobbyist within the 10 years immediately preceding the date of the person’s application to the commission. Specifically, the second amendment is as follows:

On page 4, in line 4, amend the bill as follows:

(E) Been a registered federal, state or local lobbyist.

b) **Elections Committee Amendments.** Elections Committee staff suggests the following technical amendments to ensure the provisions of this bill are consistent with other county redistricting commission provisions, and to fix a minor drafting error:

i) Amend the language on page 3, lines 4 -14 of the bill as follows:

(c) The commission shall consist of 14 members. The political party preferences of the commission members, as shown on the members’ most recent affidavits of registration, shall be as proportional as possible to the total number of voters who are registered with each political party in the County of Riverside, or who decline to state or do not indicate a party preference, as determined by registration at the most recent statewide election. However, the political party or no party preferences of the commission members are not required to be exactly the same as the proportion of political party and no party preferences among the registered voters of the county. At least one commission member shall reside in each of the five existing supervisorial districts of the board.

ii) Amend the language on page 4, lines 35-38, inclusive of the bill as follows:



- (2) (A) At a regularly scheduled meeting of the board, the Auditor-Controller of Riverside County ~~the Riverside~~ shall conduct a random drawing to select one commissioner from each of the five subpools established by the county elections official.
- iii) Amend the language on page 5, lines 39-40, inclusive, and page 6, lines 1-39, inclusive, of the bill as follows:
- (1) (A) Districts shall comply with the United States Constitution and each district shall have a reasonably equal population with other districts for the board, except where deviation is required to comply with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.) or allowable by law.
- (B) 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.
- (C) Notwithstanding subparagraph (B), an incarcerated person, as that term is used in Section 21003, shall not be counted towards the 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.
- (2) Districts shall comply with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).
- (3) Districts shall be geographically contiguous.
- (4) The geographic integrity of any city, local neighborhood, or local community of interest shall be respected in a manner that minimizes its division to the extent possible without violating the requirements of paragraphs (1) to (3), inclusive. A community of interest is a contiguous population that shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.
- (5) To the extent practicable, and where this does not conflict with paragraphs (1) to (4), inclusive, districts shall be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant areas of population.
- (b) The place of residence of any incumbent or political candidate shall not be considered in the creation of a map. Districts shall not be drawn for purposes of favoring or discriminating against an incumbent, political candidate, or political party.
- (c) (1) The commission shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

(2) (A) Before the commission draws a map, the commission shall conduct at least seven public hearings, to take place over a period of no fewer than 30 days, with at least one public hearing held in each supervisorial district.

(B) In the event any state or local health order prohibits large gatherings, the commission may modify the location of the hearings, including use of virtual hearings that use technology to permit remote viewing and participation, to the extent required to comply with public health requirements. If the commission modifies the location of a hearing, it shall provide opportunities to view and listen to proceedings by video, to listen to proceedings by phone, and to provide public comment by phone and in writing with no limitation on the number of commenters. The commission shall, to the greatest extent practicable, provide an opportunity for in-person participation for at least one hearing in each supervisorial district. Methods for providing in-person participation may include, but are not limited to, setting up multiple rooms with audiovisual connections to the hearing, allowing community members to make appointments to make public comment, providing personal protective equipment, or holding hearings in outdoor spaces.

- 6) **Previous Legislation.** SB 594 (Glazer), Chapter 320, Statutes of 2021, made various changes to state law governing candidate filing for the 2022 statewide primary election, redistricting in special districts following the 2020 census, and districting and redistricting for local governments.

SB 158 (Allen), Chapter 107, Statutes of 2020, clarified that voters who are registered with no party preference are eligible to serve on the Los Angeles County Citizens Redistricting Commission.

AB 1276 (Bonta), Chapter 90, Statutes of 2020, made a number of technical and clarifying changes to law governing local government redistricting that were inadvertently left out of AB 849 (Bonta).

AB 849 (Bonta), Chapter 557, Statutes of 2019, revised and standardized redistricting criteria, procedures, and requirements that counties and cities must follow when they adopt or adjust the boundaries of electoral districts used to elect members of the jurisdictions' governing bodies.

AB 1724 (Salas) of 2019 would have required general law cities and counties to establish independent redistricting commissions that are modeled after the CRC. AB 1724 was held in the Elections and Redistricting Committee.

SB 139 (Allen) of 2019 would have required a county with a population of 400,000 or more to establish an independent redistricting commission to adopt the county supervisorial districts after each federal decennial census. SB 139 was vetoed by the Governor with the following message:

“This bill requires a county with more than 400,000 residents to establish an independent redistricting commission tasked with adopting the county's supervisorial districts following each federal decennial census.

“While I agree these commissions can be an important tool in preventing gerrymandering, local jurisdictions are already authorized to establish independent, advisory or hybrid redistricting commissions. Moreover, this measure constitutes a clear mandate for which the state may be required to reimburse counties pursuant to the California Constitution and should therefore be considered in the annual budget process.”

SB 1018 (Allen), Chapter 462, Statutes of 2018, extended the authority to adopt redistricting commissions to school districts, community college districts, and special districts, relaxed some requirements for members of independent commissions, and allowed for hybrid commissions.

AB 801 (Weber), Chapter 711, Statutes of 2017, revised the membership of the County of San Diego’s Citizens Redistricting Commission to a 14-member commission charged with adjusting the boundary lines of the districts of the Board of Supervisors.

SB 958 (Lara), Chapter 781, Statutes of 2016, established an independent Citizens Redistricting Commission in the County of Los Angeles to adjust the boundary lines of the districts of the county’s board of supervisors.

SB 1108 (Allen), Chapter 784, Statutes of 2016, authorized a county or a general law city to establish a redistricting commission.

SB 1331 (Kehoe), Chapter 508, Statutes of 2012, established an Independent Redistricting Commission in the County of San Diego and stipulated, among other things, that only retired state or federal judges were eligible to serve on the commission.

- 7) **Arguments in Support.** The League of Women Voters, in support, states, “The League of Women Voters of California supports a state redistricting process and standards that promote fair and effective representation with maximum opportunity for public scrutiny. We believe responsibility for redistricting preferably should be vested in an independent commission with diverse membership that is representative of the public at large and protective of minority group interests.

“The League was a proponent of Proposition 11 (the Voters FIRST Act) creating the state Citizens Redistricting Commission, which is nationally praised as a model for redistricting reform, and we continue to monitor the redistricting process in jurisdictions throughout the state. AB 1307 follows Proposition 11 in many of its criteria and processes. The selection process excludes people from serving on the commission who are likely to have a conflict of interest, and it is independent of incumbents. Criteria for drawing district boundaries include compliance with the U.S. Constitution, equal population, and compliance with the federal Voting Rights Act; contiguity; maintaining the geographic integrity of cities, neighborhoods, and communities of interest; and, to the extent practicable, compactness.

“The bill also includes post-service restrictions on commissioners’ eligibility to run for office, hold appointive office, serve as staff in elective governmental agencies, or register as a lobbyist, similar to Proposition 11. Provisions regarding public accessibility to hearings are designed to ensure community participation in the redistricting process. The League of Women Voters of California strongly supports AB 1307 to promote fair district maps in Riverside County.”

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

9) **Double-Referral.** This bill is double-referred to the Elections Committee, where it is set for hearing on January 12, 2022.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

League of Women Voters

**Opposition**

None on file

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