

Date of Hearing: June 29, 2016

**ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT**

Susan Talamantes Eggman, Chair  
SB 958 (Lara) – As Amended June 21, 2016

**SENATE VOTE:** 26-11

**SUBJECT:** County of Los Angeles Citizens Redistricting Commission.

**SUMMARY:** Creates a Citizens Redistricting Commission in Los Angeles County and requires it to adjust the County's supervisorial districts after each decennial census. Specifically, **this bill:**

- 1) Creates a Citizens Redistricting Commission (commission) in Los Angeles County, and requires the commission to adjust the boundary lines of the County's supervisorial districts in the year following the year in which the decennial federal census is taken.
- 2) Requires the commission to be comprised of 14 members, and to be created no later than December 31, 2020, and in each year ending in the number zero thereafter.
- 3) States that the selection process is designed to produce a commission that is independent from the influence of the County Board of Supervisors (board) and reasonably representative of the County's diversity.
- 4) Requires the political party preferences of commission members, as shown on the members' most recent voter registration affidavits, to be as proportional as possible to the total number of voters who are registered with each political party in the County, as determined by registration at the most recent statewide election. Provides that the political party preferences of commission members are not required to be exactly the same as the proportion of political party preferences among the registered voters of the County. Requires at least one commission member to reside in each of the five existing supervisorial districts of the board.
- 5) Requires each commission member to meet all of the following qualifications:
  - a) Be a resident of, and a registered voter in, Los Angeles County, who has been continuously registered in the County 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 his or her appointment to the commission;
  - b) Has voted in at least one of the last three statewide elections immediately preceding his or her application to be a member of the commission;
  - c) 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;
  - 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 Los Angeles County.
- 6) Provides that, within the 10 years immediately preceding the date of application to the commission, neither the applicant, nor an immediate family member of the applicant, as defined, may have done any of the following:
- a) Been appointed to, elected to, or have been a candidate for office at the local, state, or federal level representing Los Angeles County, including as a member of the board;
  - b) Served as an employee of, or paid consultant for, an elected representative at the local, state, or federal level representing Los Angeles County;
  - c) Served as an employee of, or paid consultant for, a candidate for office at the local, state, or federal level representing Los Angeles County;
  - d) Served as an officer, employee, or paid consultant of a political party or as an appointed member of a political party central committee; or,
  - e) Been a registered state or local lobbyist.
- 7) Permits an interested person meeting the qualifications detailed above to submit an application to the county elections official to be considered for membership on the commission. Requires the county elections official to review the applications and eliminate applicants who do not meet the qualifications detailed above.
- 8) Requires the county elections official to select 60 of the most qualified applicants, taking into account the relevant requirements, and to make public their names for at least 30 days. Prohibits the county elections official from communicating with a member of the board, or an agent for a member of the board, about any matter related to the nomination process or applicants before the publication of the list of the 60 most qualified applicants. Permits the elections official, during this period, to eliminate any of the previously selected applicants if the official becomes aware that the applicant does not meet the qualifications. Requires the county elections official to create a subpool for each of the five existing supervisorial districts of the board.
- 9) Requires, at a regularly scheduled meeting of the board, the Auditor-Controller of Los Angeles County to conduct a random drawing to select one commissioner from each of the five subpools established by the county elections official. Requires the Auditor-Controller, after completing that drawing and at the same meeting of the board, to conduct a random drawing from all the remaining applicants, without respect to subpools, to select three additional commissioners.
- 10) Requires the eight selected commissioners to review the remaining names in the subpools of applicants and to appoint six additional applicants to the commission. 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, provided that formulas or specific ratios are not applied for this purpose. Requires the eight commissioners additionally to consider political

party preference, and 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, as detailed above.

- 11) Requires commission members 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.
- 12) Provides that the term of office of each member of the commission expires upon the appointment of the first member of the succeeding commission.
- 13) Provides that nine members of the commission shall constitute a quorum and that nine or more affirmative votes are required for any official action.
- 14) Prohibits the commission from retaining a consultant who would not be qualified as a commission applicant due to any of the disqualifying criteria described in 6), above. Provides, for this purpose, that the term "consultant" means a person, whether or not compensated, retained to advise the commission or a commission member regarding any aspect of the redistricting process.
- 15) Requires each commission member to be a designated employee for the purposes of the conflict of interest code adopted by Los Angeles 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.
- 16) 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) Requires districts to comply with the United States Constitution and requires each district to have a reasonably equal population with other districts for the board, except where deviation is required to comply with the federal Voting Rights Act (VRA) or allowable by law;
  - b) Requires districts to comply with the federal VRA;
  - c) Requires districts to be geographically contiguous;
  - d) Requires the geographic integrity of any city, local neighborhood, or local community of interest, as defined, to be respected in a manner that minimizes its division to the extent possible without violating the above requirements; and,
  - e) Requires, to the extent practicable, and where this does not conflict with the higher-priority criteria detailed above, districts to be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant areas of population.
- 17) Prohibits the place of residence of any incumbent or political candidate from being considered in the creation of a map, and prohibits districts from being drawn for the purpose

of favoring or discriminating against an incumbent, political candidate, or political party.

- 18) Requires the commission to comply with the Ralph M. Brown Act.
- 19) Requires the commission, prior to drawing a draft map, 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.
- 20) Requires the commission, after drawing a draft map, to do both of the following:
  - a) Post the map for public comment on Los Angeles County's Internet Web site; and,
  - b) Conduct at least two public hearings to take place over a period of no fewer than thirty days.
- 21) Requires hearings to 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.
- 22) Requires the commission to establish and make available to the public a calendar of all public hearings and to post the agenda for the public 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.
- 23) Requires the commission to arrange for the live translation of their hearings in an applicable language if a request for translation is made at least 24 hours before the hearing. Provides that an "applicable language," for these purposes, means a language for which the number of residents of Los Angeles 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.
- 24) Requires the commission to take steps to encourage county residents to participate in the redistricting public review process. Provides that these steps may include the following:
  - a) Providing information through media, social media, and public service announcements;
  - b) Coordinating with community organizations; and,
  - c) Posting information on Los Angeles County's Internet Web site 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.
- 25) Requires the board to provide for reasonable funding and staffing for the commission, and 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.
- 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) Requires the commission to adopt a redistricting plan 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. Provides that the plan is effective 30 days after it is filed with the county elections official, and is subject to referendum in the same manner as ordinances.
- 28) 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 above.
- 29) Prohibits a commission member from holding elective public office at the federal, state, county, or city level in the state for a period of five years beginning from the date of his or her appointment to the commission.
- 30) Prohibits a commission member from doing any of the following for a period of three years beginning from the date of his or her appointment to the commission:
  - a) Holding an appointive federal, state, or local public office;
  - b) Serving as paid staff for or a paid consultant to, the Board of Equalization, Congress, the Legislature, or any individual legislator; or,
  - c) Registering as a federal, state, or local lobbyist in the state.
- 31) Defines "immediate family member," for the purposes of this bill, as a spouse, child, in-law, parent, or sibling.
- 32) Defines "community of interest," for the purposes of this bill, as 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. Provides that communities of interest do not include relationships with political parties, incumbents, or political candidates.
- 33) Makes findings and declarations that a special law is necessary because of the unique circumstances facing Los Angeles County.
- 34) 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) Requires the board of supervisors of each county, following each decennial federal census, and using that census as a basis, to adjust the boundaries of any or all of the supervisorial districts of the county so that the districts are as nearly equal in populations as may be and comply with the applicable provisions of Section 2 of the VRA, as amended.
- 2) Permits a board of supervisors, when adjusting the boundaries of supervisorial districts, to give consideration to the following factors:

- a) Topography;
  - b) Geography;
  - c) Cohesiveness, contiguity, integrity, and compactness of territory; and,
  - d) Communities of interests in the districts.
- 3) Requires a board of supervisors to hold at least one public hearing on any proposal to adjust the boundaries of a supervisorial district prior to the public hearing at which the board votes to approve or defeat the proposal.
  - 4) Permits the board of supervisors of a county to appoint a committee composed of residents of the county to study the matter of changing the boundaries of supervisorial districts, as specified. Provides that recommendations of the committee are advisory only.
  - 5) Establishes a procedure for a county to adopt a charter by a majority vote of its electors voting on the question.
  - 6) Provides that counties that have adopted charters are subject to statutes that relate to apportioning population of governing body districts.

**FISCAL EFFECT:** According to the Senate Appropriations Committee, "This bill would likely result in a reimbursable state mandate. Estimated costs to the State are unknown; but could potentially reach the high hundreds of thousands of dollars (General Fund) every ten years. As an upper bound, the statewide Citizens Redistricting Commission incurred costs of \$6 million (General Fund) to draw the 2010 decennial boundaries for the State's congressional delegation, State Senate, State Assembly, and the Board of Equalization. Staff notes that the Citizens Redistricting Commission redraws the boundaries for a total of 177 districts. In contrast, this bill would redraw the boundaries of only the five Los Angeles County supervisorial districts. Thus, its costs, while unknown, would be smaller, likely in the hundreds of thousands of dollars every ten years."

**COMMENTS:**

- 1) **Bill Summary.** This bill creates a Citizens Redistricting Commission for the County of Los Angeles 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 extensive public input. This bill is sponsored by the author.

- 2) **Author's Statement.** According to the author, "Senate Bill 958 seeks to align the Los Angeles County Board of Supervisors' redistricting policy with the statewide movement

toward independent redistricting. SB 958 builds upon the precedent set by SB 1331 (Kehoe), which created an independent redistricting commission to draw San Diego County's supervisorial district boundaries. The bill establishes a commission with a structure and selection process that are nearly identical to those used by the successful statewide citizens redistricting commission that was established when California voters approved Proposition 11 in November, 2008.

"By empowering a 14-member body to redraw supervisors' districts, instead of allowing the five county supervisors to draw the lines themselves, SB 958 will allow a broader range of perspectives and voices to determine the boundaries' shape. This will help ensure that supervisorial boundaries will reflect Los Angeles County's broad demographic and regional diversity. Because boundaries drawn by an independent citizen's commission are not likely to be drawn in a manner that specifically favors incumbent supervisors, the resulting districts will likely generate more competitive elections for seats on the board. More competitive elections, in turn, benefit all Los Angeles County residents by increasing the incentives for county supervisors to be attentive and responsive to their constituents."

- 3) **Background.** The California Citizens Redistricting Commission (CRC) was created by Proposition 11, which voters approved in 2008. The CRC is responsible for establishing district lines for the 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, 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.

Existing law allows a county or a city to create an advisory redistricting commission (described in state law as a "committee" of residents of the jurisdiction), but does not expressly permit local jurisdictions to create commissions that have the authority to establish district boundaries. Instead, the authority to establish district boundaries for a local jurisdiction generally is held by the governing body of that jurisdiction. Charter cities are able to establish 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 cities have established redistricting commissions to adjust city council districts following each decennial census.

Charter counties, on the other hand, are not granted the same level of authority over the conduct of county elections. The state Constitution explicitly provides that "[c]harter counties are subject to statutes that relate to apportioning population of governing body districts." In light of this constitutional provision, charter counties are unable to provide for the creation of a redistricting commission that has the authority to establish district boundaries, unless statutory authority is provided to allow a county to have such a commission.

The Legislature granted such authority in 2012, when it passed SB 1331 (Kehoe), Chapter 508, Statutes of 2012, which established a redistricting commission in San Diego County and charged it with adjusting the boundaries of supervisorial districts after each decennial federal

census. The San Diego County redistricting commission is comprised of five former or retired state or federal judges who are residents and voters in the county. The commission members are chosen from among qualified applicants through a random drawing.

- 4) **Related Legislation.** SB 1108 (Allen), which is also being heard in this committee today, allows a county or a general law city to establish an independent redistricting commission with the power to adopt district boundaries of the county's or city's legislative body.
- 5) **Previous Legislation.** SB 1331 (Kehoe), Chapter 508, Statutes of 2012, gave San Diego County the authority to establish a redistricting commission, charged with adjusting the boundaries of supervisorial districts after each decennial federal census.
- 6) **Policy Consideration.** Unlike SB 1331, which San Diego County requested, this bill creates a commission for Los Angeles County that is not being requested by the county. In addition, SB 1108 allows – rather than requires – local jurisdictions to create their own independent commissions if they so choose. A perennial theme discussed in this Committee is the principle of local control. SB 1108 maintains local control for all counties (as well as cities) statewide, while this bill confiscates it from Los Angeles County only. The Committee may wish to consider the implications of these conflicting policy approaches to redistricting practices in the state.
- 7) **State Mandate.** This bill is keyed a state mandate, which means the state could be required to reimburse local agencies and school districts for implementing the bill's provisions if the Commission on State Mandates determines that the bill contains costs mandated by the state.
- 8) **Arguments in Support.** The League of Women Voters of California, in support, writes, "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."
- 9) **Arguments in Opposition.** None on file.
- 10) **Double-Referral.** This bill was heard by the Elections and Redistricting Committee on June 15, 2016, where it passed with a 5-2 vote.

#### **REGISTERED SUPPORT / OPPOSITION:**

##### **Support**

League of Women Voters of California

##### **Opposition**

None on file

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