

Draft – Letter to Legislators

Hon. Evan Low
Hon. Randy Voepel
State Capitol
Sacramento, CA 94249

Dear Assembly Members Low and Voepel

RE: SUPPORT FOR AB 53, IF AMENDED

On behalf of the County of Los Angeles Citizens Redistricting Commission (LA County CRC), we write regarding AB 53, which would make the General Election Day in November of even-numbered years a state holiday. While our commission's mandate (Elections Code §§ 21530 - 21535) is unrelated to designating dates as state holidays, we have an urgent concern that your bill could significantly alleviate if amended in a way that we think would further its purposes.

Our urgent concern is that delayed availability of U.S. Census will make it exceedingly difficult for us to do what we are charged with doing by the “map adoption deadline” in state law. That deadline is currently December 15, 2021, based on June 7, 2022 being the next Primary Election Day. But if the Primary Election Day were moved to September 5, 2022, the deadline would become February 12, 2022, giving us two more months to complete our redistricting work. (Census data availability has already been postponed for longer than that.)

September 5, 2022, you may have noticed, is 2022's Labor Day. Labor Day is already a state holiday. The purposes of making an Election Day a state holiday could be served by moving an Election Day to an existing state holiday. In counties like ours, and in other municipalities, Primary Election Days are no less important than General Election Days. Each of our county elections ends on Primary Day if a candidate receives a majority of the votes cast.

So it seems that moving the statewide Primary Election Day (with which counties consolidate their primaries) from the first Tuesday after the First Monday in June to Labor Day would serve both your interests (in having election days be holidays) and ours (in having more time to fulfill a mandate). We hope you agree that our having enough time to consider public input and carefully draw districts is an important public purpose.

Please let us know if you might amend AB 53 to move the statewide Primary Election Day as suggested here. If you do, expect our support.

Sincerely,

[...]

cc: Assembly Committee on Elections
Assembly Committee on Governmental Organization

California Elections Code differences: SD County -> LA County

DIVISION 21. STATE AND LOCAL REAPPORTIONMENT [21000 - 23004]

(Division 21 enacted by Stats. 1994, Ch. 920, Sec. 2.)

CHAPTER 6.~~53~~. County of ~~San Diego~~IndependentLos Angeles Citizens Redistricting Commission [~~21550--21553~~21530 - 21535]

(Chapter 6.~~53~~ added by Stats. ~~2012~~2016, Ch. ~~508~~781, Sec. 1.)

~~21550~~:

~~(a)~~ 21530:

As used in this chapter, the following terms have the following meanings:

~~(1a)~~ “Board” means the Board of Supervisors of the County of ~~San Diego~~Los Angeles.

~~(2)~~ “Clerk of the Board of Supervisors” means the Clerk of the Board of Supervisors of the County of ~~San Diego~~.

~~(3b)~~ “Commission” means the ~~Independent~~Citizens Redistricting Commission in the County of Los Angeles established ~~by subdivision (b)~~pursuant to Section 21532.

~~(4c)~~ “Immediate family member” means a spouse, child, in-law, parent, or sibling.

~~(b)~~ ~~(Added by Stats. 2016, Ch. 781, Sec. 1. (SB 958) Effective January 1, 2017.)~~

21531:

There is, in the County of ~~San Diego, an Independent~~Los Angeles, a Citizens Redistricting Commission. In the year following the year in which the decennial federal census is taken, the commission shall adjust the boundary lines of the supervisorial districts of the board in accordance with this chapter.

~~(Added by Stats. 2016, Ch. 781, Sec. 1. (SB 958) Effective January 1, 2017.)~~

21532:

~~(a)~~ The commission shall be created no later than December 31, 2020, and in each year ending in the number zero thereafter.

~~(b)~~ 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.

~~(2)~~ ~~In the year following the year in which the decennial federal census is taken, the commission shall adjust the boundary lines of the supervisorial districts of the board in accordance with this chapter.~~

~~(c)~~ The commission shall ~~be comprised~~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 ~~San Diego~~Los Angeles 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. ~~Commissioners shall each meet the following qualifications:~~

(d) Each commission member shall meet all of the following qualifications:

- (1) Be a resident of the County of ~~San Diego~~Los Angeles.
- (2) Be a voter who has been continuously registered in the County of ~~San Diego~~Los Angeles with the same political party ~~preference~~ or ~~with no political~~ party preference and who has not changed ~~the voter's~~their political party or no party preference for five or more years immediately preceding the date of ~~the voter's~~their appointment to the commission.
- (3) Have voted in at least one of the last three statewide elections immediately preceding ~~the voter's~~their application to be a member of the commission.
- (4) Within the 10 years immediately preceding the date of application to the commission, neither the applicant, nor an immediate family member of the applicant, has 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 the County of ~~San Diego~~Los Angeles, 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 the County of ~~San Diego~~Los Angeles.
 - (C) Served as an employee of, or paid consultant for, a candidate for office at the local, state, or federal level representing the County of ~~San Diego~~Los Angeles.
 - (D) Served as an officer, employee, or paid consultant of a political party or as an appointed member of a political party central committee.
 - (E) Been a registered ~~federal, state,~~ or local lobbyist.
- (5) 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.
- (6) Possess experience that demonstrates an ability to be impartial.
- (7) Possess experience that demonstrates an appreciation for the diverse demographics and geography of the County of ~~San Diego~~Los Angeles.

~~(d)~~ An interested person meeting the qualifications specified in subdivision ~~(ed)~~ may submit an application to the ~~Clerk of the Board of Supervisors~~county elections official to be considered for membership on the commission. ~~The Clerk of the Board of Supervisors~~The county elections official shall review the applications and eliminate applicants who do not meet the specified qualifications.

~~(ef)~~ (1) From the pool of qualified applicants, the ~~Clerk of the Board of Supervisors~~county elections official shall select 60 of the most qualified applicants, taking into account the

requirements described in subdivision (c). The ~~Clerk of the Board of Supervisors~~county elections official shall make public the names of the 60 most qualified applicants for at least 30 days. ~~The Clerk of the Board of Supervisors~~The county elections official shall not communicate 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.

(2) During the period described in paragraph (1), the ~~Clerk of the Board of Supervisors~~county elections official may eliminate any of the previously selected applicants if the ~~clerk~~official becomes aware that the applicant does not meet the qualifications specified in subdivision (~~ed~~).

(~~fg~~) (1) After complying with the requirements of subdivision (~~ef~~), the ~~Clerk of the Board of Supervisors~~county elections official shall create a subpool for each of the five existing supervisorial districts of the board.

(2) (A) At a regularly scheduled meeting of the board, the ~~Clerk~~Auditor-Controller of the ~~Board~~County of ~~Supervisors~~Los Angeles shall conduct a random drawing to select one commissioner from each of the five subpools established by the ~~clerk~~county elections official.

(B) After completing the random drawing pursuant to subparagraph (A), at the same meeting of the board, the ~~clerk~~Auditor-Controller shall conduct a random drawing from all of the remaining applicants, without respect to subpools, to select three additional commissioners.

(~~gh~~) (1) The eight selected commissioners shall review the remaining names in the subpools of applicants and shall appoint six additional applicants to the commission.

(2) The six appointees shall 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 subdivision (c).

(Amended by Stats. 20192020, Ch. 29107, Sec. 801. (SB 82158) Effective June 27, 2019September 18, 2020.)

21551.

21533.

(a) A commission member shall apply this chapter in a manner that is impartial and that reinforces public confidence in the integrity of the redistricting process.

(b) The term of office of each member of the commission expires upon the appointment of the first member of the succeeding commission.

(c) Nine members of the commission shall constitute a quorum. Nine or more affirmative votes shall be required for any official action.

(d) (1) —The commission shall not retain a consultant who would not be qualified as an applicant pursuant to paragraph (4) of subdivision (~~ed~~) of Section ~~21550~~21532.

(2) For purposes of this subdivision, “consultant” means a person, whether or not compensated, retained to advise the commission or a commission member regarding any aspect of the redistricting process.

(e) Each commission member shall be a designated employee for purposes of the ~~Conflict~~conflict of ~~Interest Code~~interest code adopted by the County of ~~San Diego~~Los Angeles pursuant to Article 3 (commencing with Section 87300) of Chapter 7 of Title 9 of the Government Code.

~~(Amended)~~Added by Stats. ~~2018~~2016, Ch. ~~927~~81, Sec. ~~671~~. (SB ~~1289~~958) Effective January 1, ~~2019~~2017.)

~~21552.~~

~~21534.~~

(a) The commission shall 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:

(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 ~~is~~ 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 ~~it~~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.

(3) After the commission draws a draft map, the commission shall do both of the following:

(A) Post the map for public comment on the internet website of the County of [San DiegoLos Angeles](#).

(B) Conduct at least two public hearings to take place over a period of no fewer than 30 days.

(4) (A) The commission shall establish and make available to the public a calendar of all public hearings described in paragraphs (2) and (3). 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.

(B) Notwithstanding Section 54954.2 of the Government Code, the commission shall post the agenda for the public hearings described in paragraphs (2) and (3) at least seven days before the hearings. The agenda for a meeting required by paragraph (3) shall include a copy of the draft map.

(5) (A) The commission shall arrange for the live translation of a hearing held pursuant to this chapter in an applicable language if a request for translation is made at least 24 hours before the hearing.

(B) For purposes of this paragraph, an “applicable language” means a language for which the number of residents of the County of [San DiegoLos Angeles](#) who are members of a language minority is greater than or equal to 3 percent of the total voting age residents of the county.

(6) The commission shall 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 internet website of the County of ~~San Diego~~Los Angeles 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.

(7) The board shall 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.

(8) The board shall provide ~~for~~ reasonable funding and staffing for the commission.

(9) 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.

(d) (1) The commission shall adopt a redistricting plan adjusting the boundaries of the supervisorial districts and shall file the plan with the ~~Clerk of the Board of Supervisors~~county elections official by the map adoption deadline set forth in subdivision (a) of Section 21501. The commission shall not release a draft map before the date set forth in paragraph (3) of subdivision (d) of Section 21508.

(2) The plan shall be subject to referendum in the same manner as ordinances.

(3) The commission shall 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 subdivisions (a) and (b).

(Amended by Stats. 2020, Ch. 90, Sec. 87. (AB 1276) Effective January 1, 2021.)

~~21553.~~

21535.

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.

(~~Added~~Amended by Stats. 2017, Ch. ~~711~~561, Sec. 453. (AB ~~801~~1516) Effective January 1, 2018.)

Commissioner Holtzman's Observations from Two Meetings of
the
County of San Diego Independent Redistricting Commission

*Their agendas are officially posted at the South Entrance of the County Administration Center.
Their agendas are translated from English into their required languages, and available,
with supporting documents (and for past meetings, minutes) via
<https://www.sandiegocounty.gov/content/sdc/redistricting/IRCmeetings.html>*

Thursday, January 28, 2021, 5:30 p.m.

Meeting is run by Chair, but initial roll call, votes, public commenting, and minutes are administered and recorded by Clerk (The Clerk of the Commission, who appears to be the same person as the Clerk of the Board of Supervisors.^{1,2})

Beginning at this meeting, the Clerk started using a randomizer to change the roll call order for each roll call vote.

Training for Commissioners came up in public comment. Commenter urged them to move fast because they'll have to make hiring & purchasing decisions soon.

They are considering public interviews for line drawer candidates, possibly with opportunities for the public to ask questions.

The local League of Women Voters asked that contractors not be called the "line drawers."

Training at this meeting was focused on transparency about use of government funds, esp. county funds. County has extensive internal controls.

Their county has given them a budget for the calendar year of \$750,000. They will not incur costs for their county staffing. They have extensive county staff support, several "COSD" (County of San Diego) staffers were in Zoom windows and helped with presentations and answering questions.

They were urged to ask in the next couple of months for budget increase (particularly for the training line item?) because the county's budgeting is for its fiscal year, not the calendar year.

They are getting laptops distributed to them.

It appears they do not have an Executive Director.

Their Chair is awarding cookies from his son for particularly good work.

¹ This is similar to the arrangement at the South Coast Air Quality Management District where the Governing Board and the independent Hearing Board share the services of the office of the Clerk of the Boards. I was on the Hearing Board.

² Per state law, in their county, the Clerk of the Board of Supervisors administered the selection of commission members, just like our county's elections official and Auditor-Controller did for us..

They have counsel with an arrangement like ours. Someone questioned the high cost so far of legal services. Someone answered that the number of lawyers and amount of their time needed had probably been underestimated.

They follow the same sequence we try to follow within agenda items: 1. Presentation. 2. Clarifying questions. 3. Opportunity for public comment. 4. Discussion (within a motion, if applicable).

They're looking forward to having a Community of Interest(?)/COI app. (Coming from USC?)

They tabled discussion/appointment of ad hoc committees (working groups).

They are considering having the members who live in a Supervisorial District take the lead in planning the required hearing in that (current) district.

They adjourned at 8:19 p.m. (Just before 3 hours in.)

Thursday, February 11, 2021, 2 p.m.

This meeting included "Redistricting 101" presented by their counsel [Marguerite Mary Leoni](#) (of Nielsen Merksamer Parrinello Gross & Leoni, LLP, in Marin County) and Kathay Feng of Common Cause.

Public comment included a request to engage refugee communities in the process, a request for clear instructions, included in the foreign-language agendas, on how to request live translation.

They took up the ad hoc groups subject they had tabled last time. (They were calling them "ad hoc committees," to distinguish them from "standing committees.") They can have a maximum of 6 members on an ad hoc group.³

The Vice Chair noted that the list of suggested subgroups represented significant commitment of time for commissioners and the public.

The Chair said he doesn't want to be the sole voice of the commission, and might like to let ad hoc groups do media calls.

Someone suggested that all commissioners should be involved in RFP (request for proposals [bids]) processes. Especially for demographic and outreach/engagement services. But for certain specialized subjects/tasks, they appointed interested commissioners to ad hoc groups using a random selection tool — the same one they were using for the order of vote roll calls. (They had specified the size of each group in advance, and apparently guarded against having commissioners serve on more than one ad hoc group.)

The Vice Chair said that "making ourselves truly independent" is important to her.

³ Traditionally, the Chair of a body may sit in on any meeting of a subgroup. With a maximum subgroup membership of 6, the Chair's attendance would put commissioner attendance at 7, not quite a majority of the body. Having 2 Co-Chairs, as we do, affects the math. Particularly regarding the Brown Act.

“Redistricting 101” suggests “flipping the script” to start with listening rather than by adopting any firm ideas of what a redistricting commission wants.

Note: Universities, including Princeton, have projects that offer collaboration opportunities, and apps. Organizations have been putting together outreach materials and guides that commissions can use. (Perhaps reducing costs.)

In the Redistricting 101 Q&A, one commissioner asked if the vast majority of their work would have nothing to do with the Census. And was told that’s pretty much true.

Another commissioner asked what to do about communities like motorcycle owners, veterans, and LGBTQ people, which are geographically spread out, not concentrated. It’s important to hear from them “because they want to tell you that they’re here.” With general comments, it’s a good idea to follow up with questions about locations or institutions that are meaningful to the commenter’s community. Commissioners should prompt commenters for mapping, streets, etc.

Also in the Q&A, a commissioner asked what to do about the pandemic-induced shifts in where people were living when the Census was taken. Could they make any accommodations for that, to reflect a more normal distribution of population? Commissions have to use the data they receive, but might consider pre-existing communities of interest (pun intended).

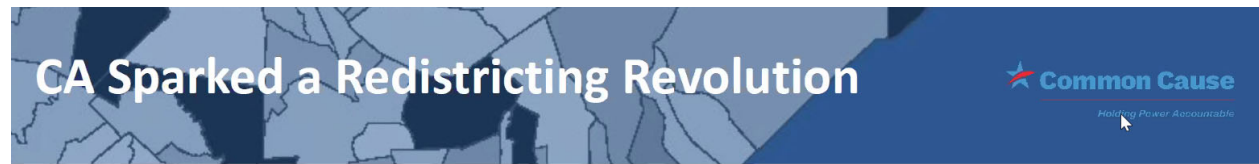
Kathay Feng had mentioned that having rotating chairs was a good innovation by the state CRC. A commissioner soon raised the issue for later consideration. There appeared to be significant support for the idea. (The terms of their current Chair and Vice Chair are due to expire under the terms of a previous motion.)

The other good state CRC innovation Kathay Feng mentioned was post-meeting socializing. Without discussing anything related to commission business, of course.⁴

(This meeting, too, lasted about 3 hours.)

⁴ The independent hearing board I was on frequently had lunch together in the agency’s cafeteria, without talking about cases at all. Although I found the conversation generally awkward, It was nice to have the chance to talk about other things in life.

Screenshot of “Redistricting 101” slide showing other “independent” commissions in California:



California cities and counties have also moved to independent commissions:

- Berkeley
- Chula Vista
- Escondido
- Oakland
- Long Beach
- Los Angeles County
- Roseville
- Sacramento
- San Diego City
- San Diego County
- Santa Barbara County