



COUNTY OF SAN DIEGO

Independent Redistricting Commission

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June 11, 2021

Senator Steve Glazer
State Capitol, Room 5108
Sacramento, CA 95814

RE: SB 594 (Glazer) Elections: Local Redistricting – As amended 5/3/21
County of San Diego Independent Redistricting Commission: Proposed Amendment

Senator Glazer,

On behalf of the County of San Diego Independent Redistricting Commission (IRC), I would like to thank you again for your work on California Senate Bill (SB) 594 relating to Elections: Local Redistricting and your efforts to address the continued challenges for local redistricting caused by the delayed transmission of the redistricting data, P.L. 94-171, from the United States Census Bureau.¹

I have previously forwarded to you the IRC's Resolution of April 22, 2021, formally expressing the IRC's support for the intent of SB 594; also expressing the need for consideration of additional amendment(s) consistent with the responsibilities of all stakeholders; and confirming the IRC's intent to work through its Ad Hoc Committee with other stakeholders towards a reasonable solution.

In San Diego County, that solution has been reached through an IRC decision to propose an amendment that would extend the period for adopting the IRC redistricting plan, to no later than January 15, 2022. We are aware of the uncertainty surrounding SB 594 at this time. The IRC nonetheless strongly encourages you and other stakeholders to remain engaged and find the most timely and effective way to advance the intent of SB 594 and of the IRC's proposed amendment.

The IRC Ad Hoc Committee met with interested parties, including the County of San Diego Registrar of Voters, representatives from Common Cause and the League of Women Voters, and others to gather information and input about the feasibility and viability of various legislative approaches that could mitigate impacts from the P.L. 94-171 data transmission delay. On May 13, 2021, the IRC Ad Hoc Committee presented a recommendation to the full IRC to allow the IRC Ad Hoc Committee and the IRC Chair to develop proposed amendment(s) to SB 594, including to extend the map adoption deadline. The recommendation was unanimously approved by the full IRC.

Following the IRC's approval, the IRC Ad Hoc Committee continued its stakeholder meetings and ultimately determined upon the enclosed proposed amendment (Attachment A.) The intent is to restore the time the Legislature originally envisioned for redistricting by the IRC, and reasonably

¹ We note the most recent version of SB 594 includes relief for numerous types of entities that have the obligation to redistrict in time for 2022 elections.

protect the process from further unexpected delays and difficulties. The operative language provides: “[T]he commission shall adopt a redistricting plan adjusting the boundaries of the supervisorial districts no later than January 15, 2022 and shall immediately thereafter file the plan with the Clerk of the Board of Supervisors.”

When it adopted AB 801 (2017), the Legislature provided for approximately 4.5 months (i.e., from the latest day for receipt of the P.L. 94-171 data to the latest date for redistricting plan adoption) for the IRC to engage the public in a redistricting process. In April 2020, when the Census Bureau announced the first delay in delivery of the P.L. 94-171 data until July 31, 2021, the Legislature reacted quickly, adjusting the redistricting deadline to December 15, 2021, restoring the approximately 4.5 months anticipated for the process. (AB 1276 (2020).) As a result of subsequent delays in delivery of the P.L. 94-171 data to September 30, 2021, the time available for redistricting was substantially curtailed to about 2.5 months, which must also accommodate the statutory waiting period prior to IRC mapping, and the time needed for delivery of the official redistricting database from the State of California. (Elec. Code § 21552(a)(1)(C) & (d).)

The IRC recognizes that the time-crunch caused by the delay to September 30, 2021 has been mitigated to some extent by the earlier availability of the “legacy format” P.L. 94-171 data and the initiative of the California Statewide Database to process that data. The IRC is informed that the Statewide Database may be able to produce a user-friendly version of the P.L. 94-171 legacy format data on or about August 23, 2021, if all goes well, and the official redistricting database about a month later. The efforts of the Statewide Database may restore about a month of time to the IRC’s process. However, this timeframe now includes the multi-day Thanksgiving holiday and the commencement of the winter holidays.

The extension proposed in the attached amendment for adopting the redistricting plan, to no later than January 15, 2022, will restore the 4.5 months originally anticipated for the redistricting process; provide some flexibility in the event of further delays and unexpected complications with processing the “legacy format” P.L. 94-171 data; and allow time for the public to refocus on redistricting after the holidays.² The IRC Ad Hoc Committee considered other approaches, including allowing for an earlier start of the mapping process. Such approaches, however, would have required more significant amendments to AB 801 and potentially resulted in confusion to the public and the curtailment of opportunities for public participation.

The enclosed amendment is straight-forward and takes into consideration the goals of all stakeholders in an inclusive, transparent redistricting process and the orderly conduct of the June 2022 primary election. On behalf of the IRC, I request that this amendment be expeditiously included in SB 594 or in whatever alternative solution is approved.

² With the lifting of the most-severe COVID-19 restrictions that limited gatherings of family and friends in 2020, the IRC is concerned the public will not have sufficient opportunities to focus on redistricting during the late November-to-December holiday period to achieve the robust process for public engagement anticipated by the Legislature and expected by San Diego County residents.

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Again, on behalf of the IRC, I reiterate that the intent and actions included in SB 594 are critical to the mission of the IRC. I urge you to remain engaged and ready to advance SB 594 or appropriate alternatives this year as urgency legislation. Please advise if there is any way we can assist in this effort.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "David Bame", with a long horizontal flourish extending to the right.

DAVID BAME

Chair, County of San Diego Independent Redistricting Commission

Attachment A

County of San Diego Independent Redistricting Commission

Proposed Amendments to SB 594(Glazer):

Section 21552.1 is added to the Elections Code, to read:

21552.1 Notwithstanding paragraph (1) of subdivision (d) of Section 21552 and paragraph (2) of subdivision (a) of Section 21501 or any other law, for redistricting occurring before 2031, the commission shall adopt a redistricting plan adjusting the boundaries of the supervisorial districts no later than January 15, 2022 and shall immediately thereafter file the plan with the Clerk of the Board of Supervisors. The Commission shall not release a draft map before the date set forth in paragraph (3) of subdivision (d) of Section 21508.

For ease of reference to the citations in the proposed amendment, see Elec. Code §§ 21552, 21501 & 21508 (highlighted):

21552 (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 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 Diego.

(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 Diego 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 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 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).

21501.

(a) (1) For redistricting occurring in 2031 and thereafter, the boundaries of the supervisorial districts shall be adopted by the board not later than 205 days before the county's next regular election occurring after January 1 in each year ending in the number two.

(2) For redistricting occurring before 2031 and where a county has a regular election occurring after January 1, 2022, and before July 1, 2022, the boundaries of the supervisorial districts shall be adopted by the board not later than 174 days before that election. Notwithstanding subdivision (b) of Section 8106, the forms required under that subdivision shall not be made available until at least 28 days after the adoption of a final map. The elections official shall reduce the required number of signatures for the in-lieu-filing-fee petition, as specified in subdivision (a) of Section 8106, by the same proportion as the reduction in time for the candidate to collect signatures.

(3) For redistricting occurring before 2031 and where a county does not have a regular election occurring after January 1, 2022 and before July 1, 2022, the boundaries of the supervisorial districts shall be adopted by the board not later than 205 days before the county's next regular election occurring on or after July 1, 2022.

(b) This section does not apply when a county transitions from at-large to district-based elections.

21508.

(a) The board shall take steps to encourage residents, including those in underrepresented communities and non-English speaking communities, to participate in the redistricting public review process. These steps shall include a good faith effort to do all of the following:

- (1) Providing information to media organizations that provide county news coverage, including media organizations that serve language minority communities.
- (2) Providing information through good government, civil rights, civic engagement, and community groups or organizations that are active in the county, including those active in language minority communities, and those that have requested to be notified concerning county redistricting.
- (b) The board shall arrange for the live translation in an applicable language of a public hearing or workshop held pursuant to this chapter if a request for translation is made at least 72 hours before the hearing or workshop, unless less than five days' notice are provided for the hearing or workshop, in which case the request shall be made at least 48 hours before the hearing or workshop.
- (c) Notwithstanding Section 54954.2 of the Government Code, the board shall publish the date, time, and location for any public hearing or workshop on the internet at least five days before the hearing or workshop. However, if there are fewer than 28 days until the deadline to adopt boundaries, the board may publish the agenda on the internet for at least three days before the hearing or workshop.
- (d) (1) A draft map shall be published on the internet for at least seven days before being adopted as a final map by the board provided that, if there are fewer than 28 days until the deadline to adopt boundaries, the draft map may instead be published on the internet for at least three days.
- (2) Each draft map prepared by a member of the board or by employees or contractors of the county shall be accompanied by information on the total population, citizen voting age population, and racial and ethnic characteristics of the citizen voting age population of each proposed supervisorial district, to the extent the county has that data.
- (3) (A) The board and employees or contractors of the county shall not release draft maps of supervisorial districts earlier than three weeks after the block-level redistricting database required by subdivision (b) of Section 8253 of the Government Code is first made publicly available. This subparagraph does not prohibit the board from holding public hearings or workshops on the placement of supervisorial district boundaries before the earliest date that draft maps of supervisorial districts may be released.
- (B) If the period of time between the date that the redistricting database is made publicly available and the map adoption deadline is fewer than 90 days and more than 59 days, then the waiting period required by subparagraph (A) is reduced to one week. If the period of time between the date that the redistricting database is made publicly available and the map adoption deadline is fewer than 60 days, then the waiting period required by subparagraph (A) is waived.
- (e) The board shall allow the public to submit testimony or draft maps in writing and electronically.
- (f) The county shall either record or prepare a written summary of each public comment and board deliberation made at every public hearing or workshop held pursuant to this article. The county shall make the recording or written summary available to the public within two weeks after the public hearing or workshop.
- (g) The board shall establish, and maintain for at least 10 years after the adoption of new supervisorial district boundaries, an internet web page dedicated to redistricting. The web page may be hosted on the county's existing internet website or another internet website maintained by the county. The web page shall include, or link to, all of the following information:
 - (1) A general explanation of the redistricting process for the county, in English and applicable languages.
 - (2) The procedures for a member of the public to testify during a public hearing or to submit written testimony directly to the board, in English and applicable languages.

- (3) A calendar of all public hearing and workshop dates. A calendar listing that includes the time and location of the public hearing or workshop satisfies the notice required by subdivision (c).
- (4) The notice and agenda for each public hearing and workshop.
- (5) The recording or written summary of each public hearing and workshop.
- (6) Each draft map considered by the board at a public hearing.
- (7) The adopted final map of supervisorial district boundaries.
- (h) For purposes of this section, “applicable language” means any language in which ballots are required to be provided in the county pursuant to Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).
- (i) This section does not apply when a county transitions from at-large to district-based elections.
- (j) Before January 1, 2021, and before January in each year ending in the number one thereafter, the Secretary of State shall publish on the internet a template explaining the county redistricting process that meets the requirements of paragraphs (1) and (2), inclusive, of subdivision (g). The Secretary of State shall publish the template in all of the languages into which ballots are required to be translated in the state pursuant to Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503). The template shall be published in a conspicuous location on the Secretary of State’s internet website.