

Date of Hearing: June 15, 2016

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Shirley Weber, Chair

SB 958 (Lara and Hall) – As Amended June 8, 2016

**SENATE VOTE:** 26-11

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

**SUMMARY:** Establishes a Citizens Redistricting Commission (commission) in Los Angeles County and charges it with adjusting the boundaries of supervisorial districts after each decennial federal census. Specifically, **this bill:**

- 1) Provides for the creation of the commission in Los Angeles County, and tasks the commission with adjusting the boundary lines of the County's supervisorial districts in the year following the year in which the decennial federal census is taken.
- 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 Los Angeles 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 Los Angeles 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 eight service planning areas (SPAs) in Los Angeles County.
- 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 of supervisors;
  - 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 eight SPAs in Los Angeles County.
- 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 eight subpools established by the county elections official.
- 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 above in 6). 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) Makes the redistricting commission subject to the 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 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 doing any of the following for a period of five years beginning from the date of his or her appointment to the commission:
  - a) Holding elective public office at the federal, state, county, or city level in the state;
  - b) Holding an appointive federal, state, or local public office;
  - c) Serving as paid staff for or a paid consultant to, the Board of Equalization, Congress, the Legislature, or any individual legislator; or,
  - d) Registering as a federal, state, or local lobbyist in the state.
- 30) Defines "immediate family member," for the purposes of this bill, as a spouse, child, in-law, parent, or sibling.
- 31) 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.
- 32) Makes findings and declarations that a special law is necessary because of the unique circumstances facing Los Angeles County.

**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 government of a county to adopt a charter by a majority vote of its electors voting on the question. Generally provides greater autonomy over county affairs to counties that have adopted charters.
  - 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 analysis, 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. State-mandated local program; contains reimbursement direction.

**COMMENTS:**

- 1) **Purpose of the Bill:** According to the author:

SB 958 is a good government proposal for the citizens of Los Angeles County. This bill seeks to align the Los Angeles County Board of Supervisors' redistricting policy with the statewide movement toward independent redistricting. San Diego, the second most populous county in California, established an independent redistricting commission for its Board therefore it is possible for the largest county in California, Los Angeles, to maximize public participation for its 10 million residents.

- 2) **California Citizens Redistricting Commission:** Proposition 11, which was approved by the voters at the 2008 statewide general election, created the Citizens Redistricting Commission (CRC), and gave it the responsibility for establishing district lines for Assembly, Senate, and Board of Equalization. Proposition 11 also modified the criteria to be used when drawing district lines. Proposition 20, which was approved by the voters at the 2010 statewide

general election, 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.

- 3) **County Redistricting Commissions and Previous Legislation:** As noted above, existing law permits a county to create an advisory redistricting commission (described in state law as a "committee" of residents of the jurisdiction), but state law 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, and in fact, 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 provision of the state Constitution, 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.

In light of those restrictions, 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. The bill was requested by the San Diego County Board of Supervisors, who sought the change in state law necessary to create a commission with the authority to establish district boundaries. Because the San Diego County Board of Supervisors requested that bill, it was not a reimbursable state-mandated local program.

- 4) **Service Planning Areas and Amendments:** As detailed above, this bill requires the commission it creates to contain at least one commission member who resides in each of the eight SPAs in Los Angeles County. According to Los Angeles County, an SPA is a specific geographic region within the County. Due to the large size of the County (4,300 square miles), it has been divided into eight geographic areas so the Department of Public Health can "develop and provide more relevant public health and clinical services targeted to the specific health needs of the residents in these different areas." The eight SPAs are Area 1: Antelope Valley; Area 2: San Fernando Valley; Area 3: San Gabriel Valley; Area 4: Metro; Area 5: West; Area 6: South; Area 7: East; and Area 8: South Bay (including Catalina Island).

Because the SPAs were designed to divide the county into geographic regions, the populations of SPAs vary significantly. According to Los Angeles County, the SPA with the

largest population—Area 2—has nearly seven times the population of the SPA with the smallest population—Area 1.

This bill's requirement that the redistricting commission contain at least one commission member who resides in each SPA is designed to ensure that the commission is geographically representative of the county as a whole. However, the fact that SPAs have significantly different populations means that, in practice, this geographic distribution requirement will give a disproportionate level of representation on the commission to sparsely populated areas of the county.

In response to this concern, the author has agreed to accept amendments to require that the commission contain at least one commissioner who resides in each of the *existing* supervisorial districts. While the populations of the existing supervisorial districts will vary somewhat, it is likely that they will be much closer to each other than the populations of SPAs. In order to ensure that the first eight commissioners are chosen at random from the pre-screened pool of 60 applicants, the Auditor-Controller of Los Angeles would be required to conduct a random drawing to select one commissioner from each of the existing supervisorial districts, and would then be required to conduct a random drawing from all of the remaining applicants, without respect to supervisorial district, to select three additional commissioners. As is the case with the existing version of the bill, those eight commissioners would then choose the remaining six members of the commission from the remaining pool of applicants.

- 5) **Funding and Staffing of the Commission and Amendments:** Proposition 11 required the Governor and the Legislature to provide the CRC with funding and adequate office space. SB 1331 (Kehoe), Chapter 508, Statutes of 2012, which created a redistricting commission for San Diego County, required the board of supervisors to provide for reasonable staffing and logistical support for the commission. This bill contains no similar requirement for Los Angeles County to provide the redistricting commission with funding, office space, or staffing support. The absence of a requirement to provide adequate support for the operation of the redistricting commission could threaten the commission's independence. In response to this concern, the author has agreed to accept an amendment to require the board to provide reasonable funding and staffing for the commission.
- 6) **Partisan Make Up:** The legislation establishing the San Diego County redistricting commission did not include any restrictions with respect to the partisan makeup of the commission. The state's redistricting commission is required to be made up of five members who are registered as preferring the Democratic Party, five who are registered as preferring the Republican Party, and four who are registered as preferring other parties or having no party preference.

This bill requires the political party preferences of the Los Angeles County redistricting commission members to be as proportional as possible to the total number of voters who are registered with each political party in Los Angeles County, as determined by registration at the most recent statewide election. According to current voter registration figures from the Secretary of State, 51.78% of registered voters in Los Angeles County are registered as Democrats, 24.08% are registered as having No Party Preference, 19.61% are registered as

Republicans, and the remaining 4.53% of voters are registered with another party or are registered with a political body that is attempting to qualify as a political party. While this bill provides that "the political party 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," in order to reflect these registration figures, a 14-member redistricting commission might be expected to have between 7-8 Democrats, between 3-4 members registered as having No Party Preference, between 2-3 Republicans, and between 0-1 members registered with other political parties or bodies. The ability for the commission to reflect those registration figures could be limited, to some extent, based on the results of the random drawing to select the first eight commissioners.

- 7) **Post-Service Restrictions:** As detailed above, this bill prohibits commission members from engaging in certain conduct for a period of time after their appointment to the commission. Among other things, commissioners are prohibited for a period of time from holding elective or appointive public office (including state and federal office), from serving as staff for certain elected officials (including state and federal officials), or from registering as lobbyists at the federal, state, or local level.

These post-service restrictions closely mirror restrictions that apply to members of the CRC. The jurisdiction of the CRC, however, is much broader than that of the commission established by this bill. The CRC is responsible for establishing boundary lines for federal and state offices, so post-service restrictions that limit the ability of members of the CRC to serve in or interact with the state and federal government are tailored to reflect the work that the CRC does. By contrast, the commission established by this bill would establish boundary lines only for Los Angeles County. The committee may wish to consider whether the post-service restrictions in this bill should be more narrowly tailored to reflect the jurisdiction of the commission created by this bill.

- 8) **Technical Amendments:** This bill requires the commission to respect the geographic integrity of any "city and county" when drawing district lines. Because the commission is drawing lines for the supervisorial districts within a county, however, this requirement is unnecessary. Accordingly, the author has agreed to accept a technical amendment to delete "city and county," from page 6, line 9 of the bill.

The most recent amendments to this bill added a sentence that is duplicative of a provision that appears elsewhere in the bill. Specifically, the sentence that appears on page 8, lines 11-13 of the bill is duplicative of a provision that appears on page 5, lines 16-18 of the bill. The author has agreed to an amendment to delete this duplicative language.

Finally, the most recent amendments to this bill contained a drafting error with respect to the length of post-service restrictions on commission members. While it was the author's intent that commission members be prohibited from holding elective public office for a period of five years after being appointed to the commission, the author's intent was that the other post-service restrictions would apply for three years from the date of appointment. (Those restrictions limit commissioners from being appointed to public office, from serving as staff of or as a paid consultant to specified public officials, and from registering as a lobbyist.) To correctly reflect the author's intent, the author is proposing an amendment on page 8, line

17 of the bill to replace the word "five" with "three."

9) **Related Legislation:** SB 1108 (B. Allen), which is also being heard in this committee today, permits a city or a county to establish a redistricting commission, subject to specified conditions.

10) **Double-Referral:** This bill has been double-referred to the Assembly Local Government Committee.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

California Common Cause (if amended) (prior version)  
League of Women Voters of California

**Opposition**

None on file.

**Analysis Prepared by:** Ethan Jones / E. & R. / (916) 319-2094