

Date of Hearing: April 10, 2024

ASSEMBLY COMMITTEE ON ELECTIONS
Gail Pellerin, Chair
AB 1807 (Cervantes) – As Amended March 11, 2024

SUBJECT: County of Riverside Citizens Redistricting Commission.

SUMMARY: Makes various modifications to state law governing the conduct and activities of the Riverside County Citizens Redistricting Commission (Riverside Commission). Specifically, **this bill:**

- 1) Prohibits a member of the Riverside Commission from communicating with an individual or organization regarding redistricting matters outside of a public meeting. Provides that this limitation does not restrict the Riverside Commission from communicating with staff of the Riverside County Board of Supervisors regarding administrative matters, or restrict a commissioner from directly communicating with another commissioner, commission staff, legal counsel, or consultants retained by the Riverside Commission.
- 2) Repeals the specified criteria that the Riverside Commission is required to use when establishing supervisorial districts, and instead requires the Riverside Commission to use similar criteria that apply generally to local redistricting in the state.
- 3) Requires the Riverside Commission to ensure that all outreach materials, public notifications, agendas, and content on its website, including instructions for testifying and submitting written public testimony, are translated into all languages into which the Riverside Commission is required to arrange for the live translation of hearings that it holds under existing law.
- 4) Broadens a provision of existing law that makes a commissioner 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 such that it applies to elective public office at the federal, state, or *local* level.
- 5) Makes a commissioner ineligible for a period of three years after being appointed to the Riverside Commission from doing either of the following:
 - a) Accepting employment as a staff member of, or a consultant to, an elected official or candidate for elective office of Riverside County.
 - b) Receiving a noncompetitively bid contract with Riverside County.
- 6) Prohibits a commissioner from endorsing, working for, or making a campaign contribution to a candidate for an elective office of Riverside County while serving on the Riverside Commission.
- 7) Makes conforming changes.

EXISTING LAW:

- 1) Requires the board of supervisors of each county, following each federal decennial census, to adopt boundaries for all of the supervisorial districts of the county so that the supervisorial districts are substantially equal in population as required by the United States (US) Constitution, as specified. (Elections Code §§21500 et seq.)
- 2) Requires the body with responsibility for adjusting the boundaries of election districts for a local jurisdiction following the federal decennial census, as specified, to adopt boundaries so that the election districts are substantially equal in population and that comply with the US and California Constitutions and the federal Voting Rights Act, as specified. Requires the district boundaries to be developed using the following criteria in the following order of priority:
 - a) Districts shall be geographically contiguous, as specified;
 - b) The geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division, as specified;
 - c) The geographic integrity of a city or census designated place shall be respected in a manner that minimizes its division, as specified, except that this provision does not apply when adopting district boundaries for a city;
 - d) Districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the local jurisdiction, and should be easily identifiable and understandable by residents; and,
 - e) Districts shall be drawn to encourage geographical compactness, as specified. (Elections Code §21130(a), (b), and (c))
- 3) Prohibits the body with responsibility for adjusting the boundaries of election districts for a local jurisdiction following the federal decennial census from adopting district boundaries for the purpose of favoring or discriminating against an incumbent, political candidate, or political party. (Elections Code §21130(d))
- 4) Prohibits the body with responsibility for adjusting the boundaries of election districts for a local jurisdiction following the federal decennial census from adopting district boundaries using any criterion that is prioritized over the criteria specified above or that conflicts with those criteria, except as specified. (Elections Code §21130(e))
- 5) Establishes the Riverside Commission, and charges it with adjusting the boundaries of supervisorial districts after each decennial federal census, as specified. (Elections Code §§21540-21546)
 - a) Requires the Riverside Commission to arrange for the live translation of one of its hearings into an applicable language if a request for translation is made at least 24 hours before the hearing. Provides that an “applicable language” is any language for which the

number of Riverside County residents who are members of a language minority is greater than or equal to 3% of the total voting age residents of the county. (Elections Code §21544(c)(5))

- b) Makes a member of the Riverside Commission 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. Makes a member of the Riverside Commission 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 (BOE), the Congress, the Legislature, or any individual legislator, or to register as a federal, state, or local lobbyist in this state. (Elections Code §21545)
- 6) Establishes a Citizens Redistricting Commission in Sacramento County (Sacramento Commission), and tasks it with adjusting the boundaries of supervisorial districts after each federal decennial census, as specified. (Elections Code §§21590-21595) Prohibits a member of the Sacramento Commission from communicating with any individual or organization regarding redistricting matters outside of a public meeting. Provides that this restriction does not do either of the following:
- a) Restrict the Sacramento Commission from communicating with the staff of the legislative body of the local jurisdiction regarding administrative matters of the commission.
 - b) Restrict a commissioner from directly communicating with another commissioner, commission staff, legal counsel, or consultants retained by the commission. (Elections Code §21593(f))
- 7) Establishes a Citizens Redistricting Commission in Orange County (Orange Commission), and tasks it with adjusting the boundaries of supervisorial districts after each federal decennial census, as specified. (Elections Code §§21580-21588)
- a) Requires the Orange Commission to ensure that all outreach materials, public notifications, agendas, and content on its internet website, including instructions for testifying and submitting written public testimony, are translated in all languages for which the number of residents of Orange County who are members of a language minority is greater than or equal to 3% of the total voting age residents of the county. (Elections Code §21584(c))
 - b) Prohibits a member of the Orange Commission, while serving on the commission, from endorsing, working for, volunteering for, or making a campaign contribution to, a candidate for an elective office of Orange County. (Elections Code §21585(a))
 - c) Prohibits a member of the Orange Commission, for four years commencing with the date of the person's appointment to the commission, from doing any of the following:
 - i) Accepting employment as a staff member of, or consultant to, an elected official or candidate for elective office of Orange County.

- ii) Receiving a noncompetitively bid contract with Orange County.
- iii) Registering as a lobbyist for Orange County. (Elections Code §21585(c))

FISCAL EFFECT: Unknown. State-mandated local program; contains reimbursement direction.

COMMENTS:

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

Since the enactment of Assembly Bill 1307 (Cervantes) in 2022, several citizens independent redistricting commission bills that have been approved by the Legislature have provided new and constructive innovations to the county independent redistricting commission model. Assembly Bill 1807 would transpose many of those provisions to the County of Riverside Citizens Redistricting Commission that is required by AB 1307 and is set to be constituted for the first time in 2030. These include imposing more robust language outreach requirements and additional prohibitions on commissioners, as well as incorporating updated criteria for local redistricting efforts enacted by the FAIR Maps Act of 2023, Assembly Bill 764 (Bryan & Cervantes).

- 2) **Redistricting Overview:** “Redistricting” is the process by which the boundaries of districts of a governmental body are adjusted. Redistricting generally occurs at the beginning of each decade following the decennial federal census, when new district lines are adopted based on the census data so that the populations of each district of a governmental body are roughly equal. Over the course of the decade, districts can become significantly unequal in population due to differential growth rates in various locations of a jurisdiction. Redistricting is the way this inequality is corrected.
- 3) **California Citizens Redistricting Commission:** Proposition 11, which was approved by the voters at the 2008 statewide general election, created the California Citizens Redistricting Commission (CCRC), and gave it the responsibility for establishing district lines for Assembly, Senate, and BOE. Proposition 11 also modified the criteria to be used when drawing district lines. Two years later, California voters approved Proposition 20, which gave the CCRC the responsibility for establishing lines for California's congressional districts, and made other changes to the procedures and criteria to be used by the CCRC. The CCRC 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. The CCRC adopted district lines for the Legislature, Congress, and the BOE in the 2011 following the release of 2010 census data, and again in 2021 following the release of 2020 census data.
- 4) **Local Redistricting Commissions and Previous Legislation:** Prior to 2017, state law generally permitted a county or a city to create an *advisory* redistricting commission (described in state law at the time as a "committee" of residents of the jurisdiction), but did not expressly permit local jurisdictions to create commissions that had the authority to

establish district boundaries. Instead, the authority to establish district boundaries for a local jurisdiction generally was held by the governing body. While charter cities could establish redistricting commissions that had the authority to establish district boundaries, charter counties did not have that authority in the absence of express statutory authorization.

In 2016, however, the Legislature passed and the Governor signed SB 1108 (Allen), Chapter 784, Statutes of 2016, which permits a county or a general law city to establish a redistricting commission, subject to certain conditions. SB 1018 (Allen), Chapter 462, Statutes of 2018, built upon SB 1108 by allowing all local governmental entities to establish redistricting commissions, and by modifying some of the rules governing local redistricting commissions.

Separately, the Legislature has enacted a number of bills to require specified counties to establish redistricting commissions, including AB 1307 (Cervantes), Chapter 403, Statutes of 2022, which creates the Riverside Commission. The Legislature has also passed bills to create redistricting commissions in Los Angeles County (SB 958 (Lara), Chapter 781, Statutes of 2016), San Diego County (SB 1331 (Kehoe), Chapter 508, Statutes of 2012, subsequently modified by AB 801 (Weber), Chapter 711, Statutes of 2017), Fresno County (AB 2030 (Arambula), Chapter 407, Statutes of 2022), Kern County (AB 2494 (Salas), Chapter 411, Statutes of 2022), Orange County (AB 34 (Valencia), Chapter 315, Statutes of 2023), and Sacramento County (SB 314 (Ashby), Chapter 389, Statutes of 2023).

While the provisions of these bills creating county-level redistricting commissions are broadly similar, there have been slight variations among those bills. In particular, the two bills approved by the Legislature last year to create redistricting commissions in Orange and Sacramento counties included new provisions that were not found in earlier redistricting commission bills. This bill incorporates some of those provisions into the state law governing the operations of the Riverside Commission.

Specifically, this bill prohibits a member of the Riverside Commission from having an *ex parte* communication (i.e., a communication that occurs outside of a public meeting) with an individual regarding redistricting matters, except as specified. This is identical to a provision that was included in SB 314. Similarly, this bill adopts restrictions similar to ones from AB 34 that prohibit commissioners from engaging in certain activities during and for a period of time after their service, including restrictions on receiving noncompetitively bid contracts and from making campaign contributions to or endorsing candidates for elective county office. Finally, this bill mirrors a provision that was found in AB 34 that requires the commission to translate various redistricting materials, including outreach materials and agendas, into any language into which the commission is required to arrange for a live translation of commission hearings.

- 5) **Criteria Changes:** Last year, the Legislature approved and Governor Newsom signed AB 764 (Bryan), Chapter 343, Statutes of 2023, which made various changes to state laws governing local redistricting. One provision of AB 764 adopted standardized criteria to be used when drawing districts for local jurisdictions, which replaced the then-existing criteria that varied depending on the level of local government for which districts were being drawn (e.g., the criteria for drawing electoral districts in a special district was different than the criteria for drawing boundaries for city council districts). Past bills that created county-level

redistricting commissions, as described in more detail above, generally expressly specified the criteria that the commissions were required to use when drawing districts, rather than simply referencing the criteria that applied under state law when adopting county district lines, even though the criteria that the bills required the commissions to use was similar to the criteria found in state law for county redistricting generally. While AB 764 changed the criteria to be used for county redistricting generally, it did not update the criteria in the relevant provisions of law governing the operation of the county-level redistricting commissions provided for in state statute.

This bill deletes the existing criteria that state law requires the Riverside Commission to use when drawing district lines, and instead requires the Riverside Commission to use the criteria from AB 764 by incorporating that criteria by reference.

- 6) **Translations of Redistricting Materials:** As detailed above under existing law, the Riverside Commission is required to arrange for the live translation of its hearings upon request into “applicable languages,” defined to mean any language for which the number of residents in Riverside County who are members of a language minority is greater than or equal to 3% of the total voting age residents in the county. This bill requires the Riverside Commission, in addition to providing live translations of hearings upon request, to ensure that all outreach materials, public notifications, agendas, and content on its website, including instructions for testifying and submitting written public testimony, are translated into all applicable languages. Based on the most recently available data from the US Census Bureau, it appears that Spanish is likely the only language that currently would be considered an “applicable language” in Riverside County. Requiring these materials to be translated may make the redistricting process in Riverside County more accessible to voters who are members of language minority groups.
- 7) **Arguments in Support:** In support of this bill, the League of Women Voters of California writes, “The League strongly supports this bill to align Riverside County’s redistricting with the criteria for establishing new districts established in the [Fair Maps Act], add prohibitions on ex parte communications, and strengthen post-service commissioner restrictions. Importantly, AB 1807 will also ensure that the Commission materials are translated into all applicable languages for the Riverside community.”
- 8) **Related Legislation:** SB 977 (Laird), which is pending in the Senate Elections & Constitutional Amendments Committee, creates a Citizens Redistricting Commission in San Luis Obispo County.
- 9) **Double-Referral:** This bill has been double referred to the Assembly Local Government Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

League of Women Voters of California

Opposition

None on file.

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