

Date of Hearing: April 9, 2025

ASSEMBLY COMMITTEE ON ELECTIONS  
Gail Pellerin, Chair  
AB 1441 (Soria) – As Amended March 24, 2025

**SUBJECT:** County of Merced Citizens Redistricting Commission.

**SUMMARY:** Creates a Citizens Redistricting Commission (Merced Commission) in Merced County, as specified. Specifically, **this bill**:

- 1) Provides for the creation of the Merced Commission, and tasks it 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. Requires the Merced County Board of Supervisors (Board) to provide reasonable funding and staffing for the Merced Commission, to ensure that a computerized redistricting database is available, and to ensure that the public has access to redistricting data and computer software equivalent to what is available to the commissioners.
- 2) Requires the Merced Commission to consist of 14 members, and to be created no later than December 31 in each year ending in the number zero.
- 3) Requires the political party preferences of commissioners to be as proportional as possible to the political party registrations of voters in the county, as specified. Requires at least one commissioner to reside in each of the existing supervisorial districts.
- 4) Requires each commissioner to meet all of the following qualifications:
  - a) Be a county resident who was continuously registered to vote in the county with the same party preference for at least five years immediately preceding the person's appointment;
  - b) Has voted in at least one of the last three statewide elections immediately preceding the person's application;
  - c) Possess experience that demonstrates analytical skills relevant to redistricting and voting rights, and possess an ability to comprehend and apply applicable 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 the county.
- 5) Prohibits a person from being a commissioner if the person, or an immediate family member, did any of the following in the 10 years immediately preceding the person's application:

- a) Was appointed or elected to, or was a candidate for, office at the local, state, or federal level representing the county, including as a member of the Board;
  - b) Served as an employee or paid consultant of an elected representative at the local, state, or federal level representing the county, or of a candidate for such an office;
  - c) Served as an officer, employee, or paid consultant of a political party or as an appointed member of a political party central committee; or,
  - d) Was a registered state or local lobbyist.
- 6) Requires the county elections official to review commissioner applications and eliminate applicants who do not meet the qualifications. Requires the elections official to select 60 of the most qualified applicants and to publicize their names for at least 30 days. Permits the elections official, during this period, to eliminate any applicant if the official becomes aware that the applicant does not meet the qualifications. Requires the elections official to create a subpool for each of the five existing supervisorial districts. Prohibits the elections official from communicating with a member of the Board or their agent about the nomination process or applicants before the publication of the 60 most qualified applicants.
- 7) Requires the county elections official to conduct a random drawing to select one commissioner from each of the five subpools, and then conduct a random drawing from the remaining applicants to select three additional commissioners.
- 8) Requires the eight selected commissioners to appoint six additional members from the remaining applicants. Requires these appointees to be chosen based on relevant experience, analytical skills, and ability to be impartial, and to ensure that the Merced Commission reflects the county's diversity, as specified. Requires the eight commissioners to select applicants so that the political party preferences of the members of the Merced Commission are as proportional as possible to the registered voters in the county, as detailed above.
- 9) Requires commissioners 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.
- 10) Provides that the term of office of each member of the Merced Commission expires upon the appointment of the first member of the succeeding Merced Commission.
- 11) Provides that nine members of the Merced Commission constitute a quorum and requires nine or more affirmative votes for any official action.
- 12) Prohibits the Merced Commission from retaining a consultant, as specified, who would not be qualified as a Merced Commission applicant due to any of the reasons described above in 5).
- 13) Requires each commissioner to be a designated employee for the purposes of the conflict of interest code adopted by the 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.

- 14) Requires the Merced Commission to establish single-member supervisorial districts 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 (US) 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. Provides that population equality shall be based on the total population of residents in the county as determined by the most recent federal decennial census for which redistricting data are available, as specified. Provides that an incarcerated person shall not be counted towards the county's population except for an incarcerated person whose last known place of residence can be assigned to a census block in the county, if information about the last known place of residence for incarcerated persons is included in a specified computerized database for redistricting;
  - b) Requires districts to comply with the 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, as specified.
- 15) 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.
- 16) Requires the Merced Commission to comply with the Ralph M. Brown Act (the state's open meetings law).
- 17) Requires the Merced 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 in each supervisorial district, as specified.
- 18) Requires the Merced Commission, after drawing a draft map, to do both of the following:
  - a) Post the map for public comment on county's website; and,
  - b) Conduct at least two public hearings to take place over a period of no fewer than 30 days.

- 19) Requires the Merced Commission to 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 Merced Commission has drawn a draft map to include a copy of that map. 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.
- 20) Defines an "applicable language," as a language for which the number of residents of the county who are members of a language minority is greater than or equal to 3% of the total voting age residents of the county. Requires the Merced Commission to arrange for the live translation of a hearing into that language if a request is made at least 24 hours before the hearing.
- 21) Requires the Merced Commission to take steps to encourage county residents to participate in the redistricting 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 the county's website that explains the redistricting process and includes a notice of each hearing and procedures for testifying or submitting testimony.
- 22) Provides that all records of the Merced Commission relating to redistricting, and all data considered by the Merced Commission in drawing a draft map or the final map, are public records.
- 23) Makes the Merced Commission subject to restrictions on the release of draft maps and deadlines for the adoption of final maps that are generally applicable to county redistricting. Provides that the adopted map is subject to referendum.
- 24) Requires the Merced Commission to issue, with the final map, a report that explains how the Merced Commission made its decisions in achieving compliance with the criteria described above.
- 25) Prohibits a commissioner from holding elective office at the federal, state, county, or city level in the state for five years beginning from the date of the person's appointment.
- 26) Prohibits a commissioner from doing any of the following for a period of three years beginning from the date of appointment to the Merced Commission:
  - a) Holding an appointive federal, state, or local public office;
  - b) Serving as paid staff for or a paid consultant to, the Board of Equalization (BOE), Congress, the Legislature, or any individual legislator; or,

c) Registering as a federal, state, or local lobbyist in the state.

27) Makes findings and declarations that a special law is necessary because of the unique circumstances facing Merced County.

**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 US Constitution, as specified. (Elections Code §§21500 et seq.)
- 2) Authorizes a local jurisdiction, including a county, to establish an independent, hybrid, or advisory redistricting commission by resolution, ordinance, or charter amendment, subject to certain conditions. (Elections Code §§23000 et seq.)
- 3) 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. (California Constitution Article XI, §§3, 4)
- 4) Provides that charter counties are subject to statutes that relate to apportioning population of governing body districts. (California Constitution Article XI, §4(a))
- 5) Establishes Citizens Redistricting Commissions in Fresno, Kern, Los Angeles, Orange, Riverside, Sacramento, San Diego, and San Luis Obispo counties, and charges the commissions with adjusting the boundaries of supervisorial districts after each decennial federal census, as specified. (Elections Code §§21520-21527, 21530-21535, 21540-21546, 21550-21553, 21560-21565, 21570-21575, 21580-21588, 21590-21595)

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

**COMMENTS:**

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

Over the last several decades, Californians have been moving redistricting away from elected officials and placing that responsibility in the hands of independent citizens to ensure a fairer process. In 2008 California passed Proposition 11 which created a Citizen's Redistricting Commission to redraw district lines for state offices to ensure fair elections and increase representation from historically excluded groups. Since then, there have been several successful attempts at creating independent redistricting commissions for counties. Both urban and rural counties, including Los Angeles, San Diego, Fresno, and San Luis Obispo have either already established redistricting commissions or are slated to in after the next US Census in 2030.

As a continuation of these past efforts to improve representation and engagement

in local elections, AB 1441 calls for the establishment of a redistricting commission for the County of Merced. This will be a major step in ensuring that the residents of Merced County live in districts created in a fair and impartial process that promotes transparency, accountability, and public trust in county government.

- 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 2011 following the release of 2010 census data, and again in 2021 following the release of 2020 census data.
- 4) **Local Redistricting Commissions, Previous Legislation, and Suggested Amendments:** 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. SB 958 (Lara), Chapter 781, Statutes of 2016, required the establishment of a Citizens Redistricting Commission in Los Angeles County. Similarly, AB 801 (Weber), Chapter 711, Statutes of 2017, required the establishment of a Citizens Redistricting Commission in San Diego County. These commissions were in place for

redistricting following the 2020 federal decennial census, and drew the district lines for those counties' supervisorial districts.

Since the 2020 redistricting process, the Legislature has enacted bills to create redistricting commissions in Riverside County (AB 1307 (Cervantes), Chapter 403, Statutes of 2022), 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). All of those commissions will be created for the next redistricting process following the 2030 census. Aside from slight differences, the rules governing the operation and formation of these commissions are substantially similar.

Last year, the Legislature approved SB 977 (Laird), Chapter 450, Statutes of 2023, which created a redistricting commission in San Luis Obispo County. SB 977 included various provisions that differed from the requirements on prior bills enacted by the Legislature to create independent redistricting commissions. Many of those differences were driven by a concern that the requirements in prior redistricting commission bills may not be as feasible in San Luis Obispo County, given that the population in that county (approximately 278,000 residents as of July 2024 according to the state Department of Finance) is considerably smaller than the populations in counties where the Legislature previously required the creation of redistricting commissions (of those counties, Kern was the smallest, with a population of approximately 911,000 residents).

This bill appears to be modeled after legislation that created a redistricting commission for Fresno County. Given that Merced County has a considerably smaller population (approximately 290,000 residents as of July 2024 according to the state Department of Finance) than Fresno County (more than 1 million residents), and one that is similar in size to San Luis Obispo County, adjustments may be warranted to this bill in order to make compliance with the bill more feasible. Accordingly, committee staff recommends that this bill be amended as follows, to align with provisions governing the redistricting commission in San Luis Obispo County:

- Require an 11-member commission, rather than the 14-member commission currently proposed by the bill, and reduce the number of members needed to make a quorum and the number of votes needed for any official action from nine to seven.
- Required five commissioners to be chosen at random from the screened pool of applicants, with those five commissioners appointing the remaining six commissioners. The bill currently requires eight commissioners to be chosen at random from the screened pool of applicants.
- Require the entity that screens the applicants to the commission (the county elections official) to select *up to* 60 qualified applicant names to be included in the pool from which commissioners are chosen. The bill currently requires that 60 applicant names be included in the pool from which commissioners are chosen.

- Require the Merced Commission to conduct *five* public hearings to take place over a period of no fewer than 30 days prior to drawing a draft map. The bill currently requires seven public hearings in the same time frame.
  - Require the Merced Commission to arrange for a live translation of a public hearing if the request for translation is made at least 72 *hours* before the hearing. The bill currently requires live translation if any person provides at least 24 hours of notice.
- 5) **2021 Merced County Redistricting:** The authority to establish district boundaries for a local jurisdiction generally is held by the governing body of that jurisdiction. Because Merced County did not create a redistricting commission for the 2021 redistricting process, the Board of Supervisors redrew the boundary lines for supervisorial districts following the 2020 census.

According to information from Merced County's website for the 2021 redistricting process, the Board of Supervisors held four public hearings on redistricting (two prior to the release of any draft maps, and two following the release of draft maps). The county also held two community workshops on the redistricting process before draft maps were released. At its meeting on December 7, 2021, the Board of Supervisors adopted new boundaries for the county supervisorial districts by a 4-1 vote.

- 6) **Translations of Redistricting Hearings and Materials:** This bill requires the Merced Commission 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 Merced County who are members of a language minority is greater than or equal to 3% of the total voting age residents in the county. 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 Merced County. Requiring hearings to be translated may make the redistricting process in Merced County more accessible to voters who are members of language minority groups.
- 7) **Partisan Make Up:** This bill requires the political party preferences of the commissioners to be as proportional as possible to the total number of voters who are registered with each political party in Merced County or who decline to state or do not indicate a party preference, as determined by registration at the most recent statewide election. According to the most recent voter registration figures from the Secretary of State, 40.12% of registered voters in Merced County are registered as Democrats, 30.43% are registered as Republicans, 22.14% are registered as having No Party Preference, and the remaining 7.31% 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 or no party preferences of the commission members are not required to be exactly the same as the proportion of political party or no party preferences among the registered voters of the county," in order to reflect these registration figures, an 11-member commission (as suggested in proposed committee amendments outlined above in comment #4 of this analysis) might be expected to have four or five Democrats, three or four Republicans, two or three members registered as having no



party preference, and no members or one member registered with other political parties or bodies. The ability for the Merced Commission to reflect those registration figures could be limited based on the results of the random drawing to select the first commissioners.

- 8) **Redistricting Criteria and Suggested Amendments:** Two years ago, 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.

To ensure that the policy goals of AB 764 of having standardized criteria for local redistricting are achieved, committee staff recommends that this bill be amended to delete the provisions of the bill that outline the criteria to be used by the Merced Commission, and instead to require it to use the criteria from AB 764 by incorporating that criteria by reference.

- 9) **Arguments in Support:** In support of this bill, the California Federation of Labor Unions, AFL-CIO, writes:

Over the last several decades Californians, have been moving redistricting away from elected officials and placing that responsibility in the hands of independent citizens to ensure a fairer process. In 2008 California passed Proposition 11 which created a Citizen's Redistricting Commission (CRC) to redraw district lines for state offices. The CRC has allowed for unprecedented engagement in the redistricting process by historically underserved and excluded groups.

In order to extend the benefits of this process to local elections, independent redistricting commissions have been established in several counties throughout the state... As a continuation of past efforts to improve representation and engagement in local elections, AB 1441 calls for the establishment of a redistricting commission for the County of Merced. This will be a major step in ensuring that the residents of the County of Merced live in districts created in a fair and impartial process that promotes transparency, accountability, and public trust in county government.

- 10) **Arguments in Opposition:** In opposition to this bill, the Merced County Board of Supervisors writes:

Merced County has a spotless record when it comes to meeting redistricting requirements, and the current system—which includes substantial community outreach and involvement—has served our residents well. Our last redistricting process included multiple forms of public outreach, including five town halls, four community workshops, four public hearings, map-drawing tools for residents to submit their own suggested districts, and various other forms of outreach. All meetings included Spanish and Hmong interpretation services.

Under local control, Merced County has enjoyed a wide range of diversity on its Board, including the first person of Hmong descent to be elected to County office in the State of California. In the most recent redistricting, and without direction from the Department of Justice or any other regulatory agency, the Board of Supervisors ensured that the historically majority minority communities of District 1, remained intact. Through its actions, Merced County continues to show that it is fully committed to a fair and impartial process when it comes to Board representation.

By imposing an independent redistricting commission on the County, Assembly Bill 1441 seeks to usurp control from local government, while imposing a new level of bureaucracy at a significant cost to taxpayers. The Board understands that other counties that received citizens redistricting commission directives were also allotted a \$1 million funding allocation to help with the implementation of the new mandate. Although we disagree with the legislation as drafted, the Board respectfully requests that at minimum, the legislation includes a \$1 million allocation of state funds. If the [L]egislature is unable to commit to such an allocation at this time, we believe this legislation is premature at best.

- 11) **Previous Legislation:** SB 139 (Allen) of 2019 would have required a county with a population of 400,000 or more to establish an independent redistricting commission (IRC) to adopt the county supervisorial districts after each federal decennial census, as specified. Governor Newsom vetoed SB 139 stating, “While I agree these commissions can be an important tool in preventing gerrymandering, local jurisdictions are already authorized to establish independent, advisory or hybrid redistricting commissions. Moreover, this measure constitutes a clear mandate for which the state may be required to reimburse counties pursuant to the California Constitution and should therefore be considered in the annual budget process.”

AB 1248 (Bryan) of 2023 would have required a county or city with more than 300,000 residents, or a school district or community college district with more than 500,000 residents, to establish an IRC to adopt district boundaries after each federal decennial census. Governor Newsom vetoed AB 1248 stating “While I share the author's goal of ensuring community control over the redistricting process, this bill creates a state-reimbursable mandate in the tens of millions and should therefore be considered in the annual budget process.”

As detailed above, this is the seventh bill since 2022 that has sought to require a specified county to create an IRC for future redistricting processes. The six bills preceding this one all were signed by the Governor, even though the two bills identified above that sought to

address the issue in a more comprehensive manner both were vetoed due to cost concerns. To the extent that the Legislature supports the broader use of IRCs for local redistricting, this bill once again raises the question whether the Legislature should require most or all counties to establish IRCs, instead of the current approach of one-off legislation for individual counties.

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

**REGISTERED SUPPORT / OPPOSITION:****Support**

AFSCME Local 2703  
California Federation of Labor Unions, AFL-CIO  
Central Valley Pride  
Jakara Movement  
League of Women Voters of California  
League of Women Voters of Merced County  
Merced County Hispanic Chamber of Commerce  
North Valley Labor Federation  
UDW/AFSCME Local 3930

**Opposition**

Merced County Board of Supervisors

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