
SENATE COMMITTEE ON GOVERNANCE AND FINANCE

Senator Anna M. Caballero, Chair

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Author: Ashby
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Consultant: Grinnell

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COUNTY OF SACRAMENTO REDISTRICTING COMMISSION

Creates the Citizens' Redistricting Commission of Sacramento County (the Commission), and tasks it with adjusting the boundary lines of Sacramento County's supervisorial districts.

Background

State law 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 possible and comply with the applicable provisions of the federal Voting Rights Act. The Board must adopt supervisorial district boundaries using the following criteria in the following order:

- To the extent practicable, requires supervisorial districts to be geographically contiguous.
- To the extent practicable, requires the geographic integrity of any local neighborhood or local community of interest to be respected in a manner that minimizes its division.
- To the extent practicable, requires the geographic integrity of a city or census designated place to be respected in a manner that minimizes its division.
- Supervisorial district boundaries should be easily identifiable and understandable by residents. To the extent practicable, requires supervisorial districts to be bounded by natural and artificial barriers, by streets, or by the boundaries of the county.
- To the extent practicable, and where it does not conflict with the criteria listed above, requires supervisorial districts to be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.
- Prohibits the county from adopting supervisorial district boundaries for the purpose of favoring or discriminating against a political party.

A board of supervisors must hold at least four public hearings at which the public is invited to provide input regarding the composition of one or more supervisorial districts.

Redistricting Commissions. In 2008, California voters approved Proposition 11, which amended the California Constitution to transfer the power to redraw electoral district boundaries for seats in the state legislature to an independent 14-member citizen's redistricting commission. The California Constitution provides that charter cities, without being bound by state general laws, may control their own municipal affairs, including matters related to the election of their city councils. Using their authority under the constitution's municipal affairs doctrine, some charter cities have established independent citizen's commissions to redraw city council district boundaries. Others have appointed advisory committees, who recommend district boundaries to

the local agency governing board, while others have created “hybrid commissions” that recommend to a legislative body two or more maps for the placement of the district boundaries for that legislative body, where the legislative body must adopt one of those maps without modification, except as required to comply with state and federal law.

Previously, state law allowed a county board of supervisors to appoint an advisory committee to study and make recommendations on changes to supervisorial boundaries (SB 407, Bradley, 1970). However, because the California Constitution specifically says that “Charter counties are subject to statutes that relate to apportioning population of governing body districts,” charter counties couldn’t create citizens redistricting commissions to redraw supervisorial districts until state law was amended to specifically authorize them to do so. In 2016, the Legislature repealed the authorization to appoint advisory committees and instead allowed a county or general law city to establish a commission to either change the boundaries of the districts or recommend to the governing body changes to the boundaries of the districts (SB 1108, Allen, 2016).

Because counties couldn’t independently establish redistricting commissions until the passage of SB 1108, the Legislature statutorily authorized redistricting commissions in two counties: San Diego and Los Angeles. In 2012, at the request of San Diego County officials, the Legislature established a redistricting commission in San Diego County and charged it with adjusting the boundaries of supervisorial districts after each decennial federal census (SB 1331, Kehoe, 2012).

In 2016, the Legislature established a redistricting commission for Los Angeles County (SB 958, Lara, 2016). The Los Angeles County redistricting commission comprises 14 members—one each, chosen at random, from the eight planning areas in Los Angeles County and six additional members chosen by the initial eight members. The final commission membership must reflect the political party membership in the county as a whole. To be eligible to sit on the commission, a person must meet a number of qualifications, such as having consistent voting registration across recent elections and possessing experience that demonstrates their analytical ability and impartiality. SB 958 also imposed requirements on commissioners intended to mitigate conflicts of interest. The redistricting commission must be constituted after each census and adjust the boundaries in accordance with the following parameters in order of priority:

- Districts must comply with the United States Constitution and each district must have reasonably equal population with other districts for the board, except where deviation is required to comply with the federal Voting Rights Act or allowable by law.
- Districts must comply with the federal Voting Rights Act.
- Districts must be geographically contiguous.
- The geographic integrity of any city, county, city and county, local neighborhood, or local community of interest, as defined in the bill, must be respected in a manner that minimizes their division to the extent possible without violating other specified criteria.
- To the extent practicable, and where it does not conflict with other specified criteria, districts must be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant populations.

In 2018, the Legislature reformed the San Diego County Commission in SB 1108 to import many of the same requirements as SB 958 created for Los Angeles County (AB 801, Weber). Both the Los Angeles and San Diego Commissions approved final maps in their respective counties in December, 2021. Last year, the Legislature enacted AB 1307 (Cervantes), AB 2030 (Arambula), and AB 2494 (Salas), which created independent redistricting commissions almost

identical to those applied by SB 958 to Los Angeles County in Riverside, Fresno, and Kern Counties, respectively.

Sacramento County. With 1.5 million residents, Sacramento is California's eighth most populous county. Sacramento County's Board of Supervisors has five members like almost all other California counties, which adopted final maps for supervisorial districts based on the 2020 census on December 7, 2021. However, members of the public argued during a board meeting that the maps divided Asian American Pacific Islander communities in South Sacramento County into separate districts, diluting their voting power.

The author wants to create an independent redistricting commission for Sacramento County based on the models previously enacted in San Diego, Los Angeles, Riverside, Fresno, and Kern Counties.

Proposed Law

Senate Bill 314 creates the Citizens' Redistricting Commission of Sacramento County (the Commission), and tasks it with adjusting the boundary lines of Sacramento County's supervisorial districts in the year following the year in which the decennial federal census is taken. SB 314's design of the Commission and assignment of duties is almost identical to those applied by SB 958 to the Los Angeles County Commissions, as adapted for Sacramento County.

Under the bill, the Commission must be created no later than December 31, 2030, and in each year ending in the number zero thereafter. The bill states that its selection process is designed to produce a commission that is independent from the influence of the Sacramento County Board of Supervisors and reasonably representative of the county's diversity.

Membership. SB 314 requires the Commission to consist of 14 members whose political party preferences as shown on the members' most recent affidavits of registration be as proportional as possible to the total number of voters who are registered with each political party in Sacramento County, or who decline to state or do not indicate a party preference, as determined by registration at the most recent statewide election. The 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 and no party preferences among the registered voters of the county. The measure requires at least one Commission member to reside in each of the five existing supervisorial districts of the board.

SB 314 sets the following qualifications for membership on the Commission:

- Be a resident of Sacramento County.
- Be a voter who has been continuously registered in Sacramento 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 their appointment to the Commission.
- Has voted in at least one of the last three statewide elections immediately preceding their application to be a member of the Commission.
- 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.

- Possess experience that demonstrates an ability to be impartial.
- Possess experience that demonstrates an appreciation for the diverse demographics and geography of Sacramento County.

SB 314 disqualifies from membership on the Commission anyone who within the 10 years immediately preceding the date of application to the Commission who, or whose immediate family member, has done any of the following:

- Been appointed to, elected to, or have been a candidate for office at the local, state, or federal level representing Sacramento County, including as a member of the board.
- Served as an employee of, or paid consultant for, an elected representative at the local, state, or federal level representing Sacramento County.
- Served as an employee of, or paid consultant for, a candidate for office at the local, state, or federal level representing Sacramento County.
- Served as an officer, employee, or paid consultant of a political party or as an appointed member of a political party central committee.
- Been a registered federal, state, or local lobbyist.

Application and selection. Under the bill, persons interested in serving on the Commission meeting the qualifications specified above may submit an application to the county elections official to be considered for membership on the Commission. The county elections official must then review the applications and eliminate applicants who do not meet the specified qualifications. The county elections official then selects 60 of the most qualified applicants, taking into account the relevant requirements, and makes their names public for at least 30 days. The county elections official cannot communicate with a member of the board, or an agent for a member of the board, about any matter related to the nomination process or applicants before the publication of the list of the 60 most qualified applicants. During this time, the county elections official may eliminate any of the previously selected applicants if the official becomes aware that the applicant does not meet the above qualifications. The county elections official then creates a subpool for each of the five existing supervisorial districts in Sacramento County.

The Auditor-Controller of Sacramento County then conducts a random drawing at a regularly scheduled meeting of the Sacramento County Board of Supervisors, to select one commissioner from each of the five subpools established by the county elections official, and to then conduct a random drawing from all of the remaining applicants to select three additional commissioners. The eight selected commissioners then review the remaining names in the subpools of applicants and appoint six additional applicants to the Commission, 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. During the selection, the eight members must consider political party preference, selecting 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. Commission members must apply these requirements in a manner that is impartial, and reinforces public confidence in the integrity of the redistricting process. SB 314 states the term of office of each member of the Commission expires upon the appointment of the first member of the succeeding commission.

Process. SB 314 states that nine members of the Commission constitute a quorum and that nine or more affirmative votes are required for any official action. The Commission cannot retain a

consultant who would not be qualified as a Commission applicant due to any of the disqualifying criteria described above. The bill states that each Commission member is a designated employee for purposes of the conflict of interest code adopted by Sacramento County.

SB 314 requires the Commission to comply with the Ralph M. Brown Act, and 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. The Commission may modify the location of hearings in the event any state or local health order prohibits large gatherings, including 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 must 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. Additionally, the Commission must provide an opportunity for in-person participation for at least one hearing in each supervisorial district.

Under the bill, the Commission must establish and make available to the public a calendar of all public hearings, and schedule hearings at various times and days of the week to accommodate a variety of work schedules and to reach as large an audience as possible. The Commission must post the agenda for the public hearings at least seven days before the hearings. After the Commission has drafted a map, it must include a copy of that map on the agenda. The Commission must arrange for the live translation of a hearing held pursuant to this bill in an “applicable language” if a request for translation is made at least 24 hours before the hearing, defined as a language for which the number of residents of Sacramento County who are members of a language minority is greater than or equal to 3 percent of the total voting age residents of the county.

SB 314 directs the Commission to take steps to encourage county residents to participate in the redistricting public review process, including:

- Providing information through media, social media, and public service announcements.
- Coordinating with community organizations.
- Posting information on Sacramento County’s website 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.

The Commission must also 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 the public ready access to redistricting data and computer software equivalent to what is available to the Commission members. The measure requires the Sacramento County Board of Supervisors to provide reasonable funding and staffing for the Commission. The bill also provides that all Commission records relating to redistricting, and all data considered by the Commission in drawing a draft map or the final map, are to be public records.

Establishing districts. SB 314 requires the Commission to establish single-member supervisorial districts for the board pursuant to a mapping process using the same criteria set by SB 958 for Los Angeles County. After drawing the draft maps, the Commission must post the maps for public comment on Sacramento County’s website, and conduct at least two public hearings to take place over a period of no fewer than 30 days.

The Commission must adopt a redistricting plan adjusting the boundaries of the supervisorial districts and file the plan with the county elections official by the map adoption deadline set by current law for county supervisorial maps. The bill prohibits the Commission from releasing a draft map before the date set forth in existing law for county supervisorial draft maps, as specified. The Commission must also include 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.

Other provisions. SB 314 bars a Commission member from holding elective public office at the federal, state, county, or city level in this state for a period of five years beginning from the date of appointment to the commission. The measure likewise prohibits a Commission member from holding appointive federal, state, or local public office, serving as paid staff for, or as a paid consultant to, the Board of Equalization, the Congress, the Legislature, or any individual legislator, or registering as a federal, state, or local lobbyist in this state for a period of three years starting with the same date.

The bill defines several terms, and makes findings and declarations that a special law is necessary because of the unique circumstances facing Sacramento County

State Revenue Impact

No estimate.

Comments

1. Purpose of the bill. According to the author, “Electoral districts must be created fairly with equal representation as their guide. The establishment of independent redistricting commissions is a cornerstone to government ethics and transparency. By establishing an Independent Citizens Redistricting Commission in Sacramento County, we can better ensure that Sacramento County’s district lines accurately reflect the various communities represented and provide much needed transparency to the redistricting process.”

2. Home rule. SB 314 requires the creation of an independent redistricting commission in Sacramento County to draw the boundaries for supervisorial districts, commencing upon the 2030 census. However, counties can already establish redistricting commissions by ordinance under SB 1108—and local voters may do so through their initiative power. The Committee may wish to consider whether redistricting in Sacramento County is a decision best made by the Legislature, or local voters and their elected officials.

3. Goose and gander. SB 314 is the fourth bill in the last two years to create an independent redistricting commission in a specific county. These bills followed two previous efforts to do so in 2012 and 2016, raising the question of whether all counties above a certain population threshold should have an independent commission. However, SB 139 (Allen, 2019) would have required a county with a population of 400,000 or more to establish an independent redistricting commission to adopt the county supervisorial districts after each federal decennial census, but was vetoed by the Governor with the following message:

This bill requires a county with more than 400,000 residents to establish an independent redistricting commission tasked with adopting the county’s supervisorial districts following each federal decennial census.

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.

4. Mandate. The California Constitution requires the state to reimburse local governments for the costs of new or expanded state mandated local programs. Because SB 314 imposes additional duties on local officials, Legislative Counsel says that it imposes a new state mandate. The bill requires the state to reimburse local agencies if the Commission on State Mandates determines that the bill imposes a reimbursable mandate.
5. Special legislation. The California Constitution prohibits special legislation when a general law can apply (Article IV, §16). SB 314 finds and declares that legislation that applies only to Sacramento County is needed due to the unique circumstances facing the County of Sacramento.
6. Related legislation. SB 52 (Durazo) creates an independent Citizens Redistricting Commission in a charter city with a population of at least 2,500,000 people, which has a city charter that does not establish an independent redistricting commission responsible for adopting boundaries for all of the council districts of the city. The bill is currently pending in the Senate Committee on Elections and Constitutional Amendments.
7. Double-referral. The Senate Rules Committee has ordered a double-referral of SB 314—first to the Senate Elections & Constitutional Amendments Committee, which has jurisdiction over election procedures, and then to the Senate Governance & Finance Committee which has policy jurisdiction over county governance. The Senate Elections & Constitutional Amendments Committee approved SB 314 by a vote of 6 to 0 at its March 21, 2023, hearing.
8. Technical. Like predecessor bills, SB 314 directs the Sacramento County Auditor-Controller to conduct random draws for the first eight members, but in Sacramento County, the auditor-controller's office was consolidated as a division under the Department of Finance. The Committee may wish to consider amending SB 314 to extend the duties of the county elections official already required by the bill to also conduct the draws.

Support and Opposition (4/7/23)

Support:

Organize Sacramento
Queer Democrats of Sacramento

Opposition: None submitted.

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