
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair
2023 - 2024 Regular Session

SB 314 (Ashby) - County of Sacramento Redistricting Commission

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Policy Vote: E. & C.A. 6 - 0, GOV. & F. 6 -
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Urgency: No

Mandate: Yes

Hearing Date: April 24, 2023

Consultant: Robert Ingenito

Bill Summary: SB 314 would establish the Citizens Redistricting Commission for Sacramento County (CRCSC) to be tasked with adjusting the boundary lines of the supervisorial districts of Sacramento County, as specified.

Fiscal Impact: By requiring Sacramento County to create and operate a redistricting commission as specified, this bill creates a state-mandated local program. To the extent the Commission on State Mandates determines that the provisions of this bill create a new program or impose a higher level of service on Sacramento County, the County could claim reimbursement of those costs (General Fund). The magnitude of these costs is unknown, but minimally in the hundreds of thousands of dollars on a decennial basis.

Background: In 2008, California voters approved Proposition 11, which amended the California Constitution to transfer the power to redraw electoral district boundaries for seats in Legislature to an independent 14-member citizen's redistricting commission. Current law requires the board of supervisors of each county, following the census every 10 years, 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 specified criteria:

Until recently, state law allowed a county board of supervisors to appoint an advisory committee to study and make recommendations on changes to supervisorial boundaries. However, because the 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 In 2016, with the passage of SB 1108, the Legislature repealed the authorization to appoint advisory committees and instead allowed a county or general law city to establish a commission to either change the boundaries of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.

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, 2012).

In 2016, the Legislature established a redistricting commission for Los Angeles County (SB 958, 2016). The Los Angeles County redistricting commission comprises 14 members. The redistricting commission must be constituted after each census and adjust the boundaries in accordance with specified parameters

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). Both the Los Angeles and San Diego Commissions approved final maps for their respective counties in December, 2021.

In 2018, voters in the County of Santa Barbara approved a local ordinance, Measure G2018, placed on the ballot by the Santa Barbara County board of supervisors, which established the County of Santa Barbara Citizens' Independent Redistricting Commission. The commission is comprised of eleven commissioners and charged with redrawing county supervisorial district lines after the 2020 census using specified criteria.

Overall, according to data from California Common Cause, seven counties have established county independent redistricting commissions: Los Angeles, Santa Barbara, San Diego, San Francisco, Riverside, Fresno and Kern.

Proposed Law: This bill would, among other things, do the following:

- Create the CRCSC, and task 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. Require it to be created no later than December 31, 2030, and in each year ending in the number zero thereafter.
- Require the CRCSC to consist of 14 members, as specified.
- Require each CRCSC member to meet specified qualifications.
- Permit an interested person meeting the qualifications specified above to submit an application to the county election official to be considered for membership on the CRCSC. Require the county election official to review the applications and eliminate applicants who do not meet the specified qualifications.
- Require the county election official to select 60 of the most qualified applicants, taking into account the relevant requirements, and to make their names public for at least 30 days. Prohibit the county election 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. Permit the county election official, during this period, to eliminate any of the previously selected applicants if the official becomes aware that the applicant does not meet the specified qualifications.
- Require the county election official to create a subpool for each of the five existing supervisorial districts in Sacramento County. Requires, at a regularly scheduled meeting of the Board, a county elections official to conduct a random drawing to select one commissioner from each of the five subpools established

by the county election official, and to then conduct a random drawing from all of the remaining applicants to select three additional commissioners.

- Require these eight selected commissioners to review the remaining names in the subpools of applicants and to appoint six additional applicants to the CRCSC, as specified.
- Require CRCSC to establish single-member supervisorial districts for the Board pursuant to a mapping process using specified criteria as set forth in the following order of priority.
- Require CRCSC, 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, as specified.
- Require CRCSC, after drawing the draft maps, to (1) post the map for public comment on Sacramento County's website, and (2) conduct at least two public hearings to take place over a period of no fewer than 30 days.
- Require CRCSC to establish and make available to the public a calendar of all public hearings and requires the 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.
- Require CRCSC to take specified steps to encourage county residents to participate in the redistricting public review process.
- Require 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 the public ready access to redistricting data and computer software equivalent to what is available to the CRCSC members.
- Require the Board to provide for reasonable funding and staffing for CRCSC.
- Require all records of the CRCSC relating to redistricting, and all data considered by the CRCSC in drawing a draft map or the final map, to be public records.
- Require the CRCSC to adopt a redistricting plan adjusting the boundaries of the supervisorial districts and to file the plan with the county election official by the map adoption deadline set forth in existing law for county supervisorial maps, as specified. Prohibit CRCSC from releasing a draft map before the date set forth in existing law for county supervisorial draft maps, as specified. Provide that this plan is subject to referendum in the same manner as ordinances.
- Require CRCSC to issue, with the final map, a report that explains the basis on which it made its decisions in achieving compliance with the criteria described above.
- Prohibit a CRCSC member, for a period of five years beginning from the date of appointment to the commission, from holding elective public office at the federal, state, county, or city level in this state.

Related Legislation:

- SB 52 (Durazo) would require an independent redistricting commission for charter cities with a population of at least 2,500,000 people to adjust the district boundaries for the city council, as specified. SB 52 is currently pending in the Senate Committee on Elections and Constitutional Amendments.
- AB 1248 (Bryan) would require a county, general law city, charter city, school district, or community college district that contains over 300,000 residents to establish an independent redistricting commission to adopt district boundaries after each federal decennial census, as specified and unless certain conditions are met. This bill is currently pending in the Assembly Committee on Elections.
- AB 1307 (Cervantes, Chapter 403, Statutes of 2022) created a Citizens Redistricting Commission in Riverside County, as specified.
- AB 2030 (Arambula, Chapter 407, Statutes of 2022) created a Citizens Redistricting Commission in Fresno County, as specified.
- AB 2494 (Salas, Chapter 411, Statutes of 2022) created a Citizens Redistricting Commission in Kern County, as specified.
- AB 849 (Bonta, Chapter 557, Statutes of 2019) revised and standardized redistricting criteria, procedures, and requirements that counties and cities must follow when they adopt or adjust the boundaries of electoral districts used to elect members of the jurisdictions' governing bodies. AB 1276 (Bonta, Chapter 90, Statutes of 2020) made a number of technical and clarifying changes to law governing local government redistricting that were inadvertently left out of AB 849 (Bonta).
- AB 801 (Weber, Chapter 711, Statutes of 2017) revised the membership of the County of San Diego's Citizens Redistricting Commission to a 14-member commission charged with adjusting the boundary lines of the districts of the Board of Supervisors.
- SB 958 (Lara, Chapter 781, Statutes of 2016), established an independent Citizens Redistricting Commission in the County of Los Angeles to adjust the boundary lines of the districts of the county's Board of Supervisors.
- SB 1108 (Allen, Chapter 784, Statutes of 2016) authorized a county or a general law city to establish a redistricting commission.
- SB 1331 (Kehoe, Chapter 508, Statutes of 2012) established an Independent Redistricting Commission in the County of San Diego and stipulated, among other things, that only retired state or federal judges were eligible to serve on the commission.