
THIRD READING

Bill No: SB 314
Author: Ashby (D)
Amended: 4/13/23
Vote: 21

SENATE ELECTIONS & C.A. COMMITTEE: 6-0, 3/21/23
AYES: Glazer, Allen, McGuire, Menjivar, Newman, Umberg
NO VOTE RECORDED: Nguyen

SENATE GOVERNANCE & FIN. COMMITTEE: 6-2, 4/12/23
AYES: Caballero, Blakespear, Durazo, Glazer, Skinner, Wiener
NOES: Seyarto, Dahle

SENATE APPROPRIATIONS COMMITTEE: 5-2, 5/18/23
AYES: Portantino, Ashby, Bradford, Wahab, Wiener
NOES: Jones, Seyarto

SUBJECT: County of Sacramento Redistricting Commission

SOURCE: Author

DIGEST: This bill establishes 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.

ANALYSIS:

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 Constitution.

- 2) Requires population equality to be based on the total population of residents of the county as determined by the most recent federal decennial census for which the redistricting data are available, as specified.
- 3) Requires each Board of supervisors to adopt supervisorial district boundaries that comply with the United States Constitution, the California Constitution, and the federal Voting Rights Act of 1965 (VRA).
- 4) Requires each board of supervisors to adopt supervisorial district boundaries using a specified criteria and procedure.
- 5) Authorizes a county, general law city, school district, community college district, or a special district to establish an independent redistricting commission, an advisory redistricting commission, or a hybrid redistricting commission by resolution, ordinance, or charter amendment, subject to certain conditions.
- 6) Defines an “advisory redistricting commission” to mean a body that recommends to a legislative body placement of the district boundaries for that legislative body. Defines a “hybrid redistricting commission” to mean a body that recommends 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 may be required to comply with state or federal law. Defines an “independent redistricting commission” to mean a body, other than a legislative body, that is empowered to adopt the district boundaries of a legislative body.
- 7) Establishes a procedure for a government of a county to adopt a charter by a majority vote of its electors voting on the question. Provides, generally, greater autonomy over county affairs to counties that have adopted charters.
- 8) Provides that counties that have adopted charters are subject to statutes that relate to apportioning population of governing body districts.
- 9) Establishes the California Citizens Redistricting Commission, as specified. Establishes a Citizens Redistricting Commission in Fresno, Kern, Los Angeles, and Riverside counties, and an Independent Redistricting Commission in San Diego County, and charges each commission with adjusting districts of supervisorial districts after each decennial federal census, as specified.

This bill:

- 1) Provides for the creation of the CRCSC, and tasks the CRCSC 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, as specified.
- 2) Requires the CRCSC to be created no later than December 31, 2030, 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 Sacramento County Board of Supervisors (Board) and reasonably representative of the county's diversity.
- 4) Requires the CRCSC to consist of 14 members. Requires the political party preferences of the CRCSC members, as shown on the members' most recent affidavits of registration, to 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. Provides that the political party or no party preferences of the CRCSC 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. Requires at least one CRCSC member to reside in each of the five existing supervisorial districts of the Board.
- 5) Requires each CRCSC member to meet specific qualifications:
- 6) Prohibits an applicant and an immediate family member of the applicant from specified activities within the 10 years immediately preceding the date of application to the CRCSC.
- 7) Permits an interested person meeting specified qualifications to submit an application to the county election official to be considered for membership on the CRCSC. Requires the county election official to review the applications and eliminate applicants who do not meet the specified qualifications.
- 8) Requires 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. Prohibits 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. Permits 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.

- 9) Requires 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, the county election 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.
- 10) Requires the eight selected commissioners to review the remaining names in the subpools of applicants and to appoint six additional applicants to the CRCSC, as specified.
- 11) Requires the 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. Requires the CRCSC, after drawing the draft maps, to post the map 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.
- 12) Requires the 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. Requires the CRCSC to arrange for the live translation of a hearing and requires the CRCSC to take steps to encourage county residents to participate in the redistricting public review process, as specified.
- 13) Requires the CRCSC to post the agenda for the public hearings at least seven days before the hearings. Requires the agenda for a meeting conducted after the CRCSC has drawn a draft map to include a copy of that map.
- 14) 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 the public ready access to redistricting data and computer software equivalent to what is available to the CRCSC members.
- 15) Requires the Board to provide for reasonable funding and staffing for the CRCSC.

- 16) Requires 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.
- 17) Requires 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. Prohibits the CRCSC from releasing a draft map before the date set forth in existing law for county supervisorial draft maps, as specified. Provides that this plan is subject to referendum in the same manner as ordinances.
- 18) Requires the CRCSC to issue, with the final map, a report that explains the basis on which the CRCSC made its decisions in achieving compliance with the criteria described above.
- 19) Prohibits a CRCSC member from specified activities beginning from the date of appointment to the CRCSC.
- 20) Defines “immediate family member” and “community of interest,” as specified.
- 21) Makes findings and declarations that a special law is necessary because of the unique circumstances facing Sacramento County.

Background

Local Redistricting. Prior to 2017, counties and general law cities were able to create advisory redistricting commissions, but were not able to create independent commissions with the authority to establish district boundaries. Instead, the authority to establish district boundaries for a local jurisdiction was generally held by the governing body of that jurisdiction. Charter cities are able to establish independent redistricting commissions that have the authority to establish district boundaries because the California Constitution gives charter cities broad authority over the conduct of city elections and over the manner for which municipal officers are elected. As a result, a number of California charter cities established redistricting commissions to adjust city council districts following each decennial census. Counties and general law cities did not have that authority in the absence of express statutory authorization.

Legislative Authority for County Redistricting Commissions. The Legislature has created independent redistricting commissions for five counties: Fresno, Kern, Los Angeles, Riverside, and San Diego,

The Legislature also authorized (but did not require) counties and general law cities to establish redistricting commissions. SB 1108 (Allen, Chapter 784, Statutes of 2016) authorized two different types of commissions: independent commissions and advisory commissions. SB 1108 generally provided cities and counties with the discretion to determine the structure and membership of an advisory or independent redistricting commission. However, it did establish minimum qualifications for commission membership. While SB 1108 imposed few restrictions and requirements on advisory commissions, it did subject members of independent commissions to extensive eligibility requirements and post-service restrictions.

Legislative Authority for Other Local Entities. SB 1018 (Allen, Chapter 462, Statutes of 2018) extended the authority to adopt redistricting commissions to school districts, community college districts, and special districts. The bill also relaxed some of the eligibility requirements for members of independent commissions and eased one of the post-service restrictions on those members in an effort to expand the pool of individuals who are available to serve on such commissions. SB 1018 also allowed for the creation of hybrid commissions, subject to the same restrictions and requirements as independent commissions.

Political Party Preferences. If chaptered, the commission makeup will be required, as shown on the members' most recent affidavits of registration, to be as proportional as possible to the total number of voters who are registered with each political party preference in Sacramento County, as determined by registration at the most recent statewide election. According to the February 10, 2023 Report of Registration, the Secretary of State reported the following for Sacramento County (868,733 total registered voters): Democratic – 398,938 (45.92%), Republican – 214,525 (24.69%), American Independent – 36,792 (4.24%), Green – 4,069 (0.47%), Libertarian – 11,566 (1.33%), Peace and Freedom – 5,443 (0.63%), Unknown – 4,297 (0.49%), Other – 5,988 (0.69%), and No Party Preference – 187,115 (21.54%).

If no party preference is shown on a voter registration affidavit, then the county election official designates the voter's party preference as "Unknown" and is treated as a "No Party Preference" voter. If you take these numbers into consideration and use them to calculate the potential commission party preference composition, Democrats would have six or seven members, Republicans would have three or four members, No Party Preference voters would have three or four members when only using No Party Preference voters and when combining Unknown and No Party preferences, and the remaining party preferences between zero and one member.

Comments

- 1) *Author's statement.* 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) *Need for the Bill.* In the materials provided to the committee by the author's staff, in 2021, the Sacramento County Board of Supervisors drew their own district lines. They held hearings and took public comment, but ultimately made the final decision themselves as to what their own areas of representation would be. Additionally, Sacramento County's process left several organized groups feeling unheard. For example, one vocal constituency that repeatedly pled to remain whole was the Asian American and Pacific Islander (AAPI) community. Ultimately, the Sacramento County Board of Supervisors voted 4-1 to adopt a supervisorial district map that fractured the AAPI communities of South Sacramento County, splitting them between supervisorial districts.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Appropriations Committee, 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.

SUPPORT: (Verified 5/18/23)

AAPIs for Civic Empowerment-Education Fund
California Environmental Voters
Organize Sacramento
Queer Democrats of Sacramento

OPPOSITION: (Verified 5/18/23)

Pacific Advocacy Group

ARGUMENT IN SUPPORT: In a letter supporting SB 314, the California Environmental Voters stated, in part, the following:

As the state has recently made permanent a policy which expands access to voting by requiring every county election officials to mail a ballot to every registered voter, while voters have better access to voting, ensuring they are voting in districts that reflect their lived experience is critical to realizing the full potential of our multiracial democracy, made a reality by citizen's redistricting commissions who have the interest of voters at heart.

ARGUMENT IN OPPOSITION: In a letter opposing SB 314, the Pacific Advocacy Group stated, in part, the following:

[SB 314] sets several qualifications to serve on the commission, but you not only disqualify me but my entire immediate family from serving on the commission because of my chosen profession.

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5/20/23 12:44:25

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