
SENATE COMMITTEE ON LOCAL GOVERNMENT

Senator María Elena Durazo, Chair
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Consultant: Vargas

COUNTY OF MERCED CITIZENS REDISTRICTING COMMISSION

Creates the Citizens' Redistricting Commission of Merced County and tasks it with adjusting the boundary lines of Merced supervisorial districts.

Background

State law requires each county board of supervisors, following each decennial federal census to adjust the counties supervisorial district boundaries to ensure the districts are as nearly equal in population as possible and comply with the federal Voting Rights Act (VRA). Each Board of Supervisors must adopt supervisorial district boundaries that meet the following criteria in the following order of priority:

- To the extent practicable, are geographically contiguous;
- To the extent practicable, respect the geographic integrity of any local neighborhood or local community of interest;
- To the extent practicable, respect the geographic integrity of a city or census designated place;
- Are easily identifiable and understandable by residents. To the extent practicable, they should 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, are drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations; and
- Do not favor or discriminate against a political party.

A board of supervisors must hold at least four public hearings to allow for public input regarding the composition of one or more supervisorial districts. This also includes translating documents for the public if more than 10,000 or 5 percent of all total voting-age citizens speak other than English.

Redistricting Commissions. In 2008, California voters approved Proposition 11, which amended the California Constitution to transfer the power to redraw electoral district boundaries for congressional and state legislative seats to an independent 14-member citizen's redistricting commission.

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, "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 charter and general law county or a general law city to establish a commission to either (1) change the boundaries of the districts or (2) recommend to the governing body changes to the boundaries of the districts (SB 1108, Allen, 2016).

Individual county redistricting commissions. 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 demonstrating 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:

- Comply with the United States Constitution;
- Have reasonably equal population among the districts, except where deviation is required to comply with the federal VRA or allowable by law;
- Comply with the federal VRA;
- Are geographically contiguous;
- Respect the geographic integrity of any city, county, city and county, local neighborhood, or local community of interest, in a manner that minimizes their division to the extent possible without violating other specified criteria; and
- To the extent practicable, and where it does not conflict with other specified criteria, be drawn to encourage geographical compactness so nearby areas of population are not bypassed for more distant populations.

In 2018, the Legislature reformed the San Diego County Commission to more closely mirror the structure of the Los Angeles County Commission (AB 801, Weber). Both the Los Angeles and San Diego Commissions approved final maps in their respective counties in December 2021.

The Legislature subsequently created redistricting commissions for the Counties of Kern, Fresno, and Riverside, Orange, Sacramento, and San Luis Obispo

Merced County. With less than 300,000 residents, Merced County is located in the northern San Joaquin Valley. Merced County's Board of Supervisors has five members like almost all other California counties. The Board adopted final maps for supervisorial districts based on the 2020 census on December 7, 2021. However, members of the public voiced their concern during a

board meeting that the maps divided the community of Delhi from the neighboring town of Livingston into separate districts, diluting their voting power.

To address issues like those in Delhi, the author wants to create an independent redistricting commission in Merced County to draw lines for its supervisorial districts.

Proposed Law

Assembly Bill 1441 creates the Citizens' Redistricting Commission of Merced County (the Commission), and tasks it with adjusting the boundary lines of Merced County's supervisorial districts in the year following the year in which the decennial federal census is taken. Under the bill, the Commission must be created no later than December 31, 2030, and in each year ending in the number zero thereafter.

Membership. AB 1441 requires the Commission to consist of 11 members. The political party preferences—including those who decline to state a political party preference—of the members must be as proportional as possible to voter registrations in Merced County. The measure requires at least one Commission member to reside in each of the five existing supervisorial districts of the board. The bill states that in selecting the Commission membership, the goal is to produce a commission independent from the influence of the Merced County Board of Supervisors and be reasonably representative of the county's diversity.

To serve on the commission, AB 1441 requires an applicant for a seat on the Commission to:

- Be a resident of Merced County;
- Be a voter who has been continuously registered in Merced County with the same political party or no party preference and who has not changed political party affiliation for five or more years immediately preceding the date of their appointment to the Commission;
- Have 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; and
- Possess experience that demonstrates an appreciation for the diverse demographics and geography of Merced County.

AB 1441 disqualifies applicants and their immediate family members from serving on the Commission if they engaged in political activity related to Merced County within the eight years prior to applying. This includes holding or running for office, working for an elected official or candidate, serving a political party, or working as a registered lobbyist.

Application and selection. Under the bill, people interested in serving on the Commission who meet the qualifications specified above may submit an application to the county elections official. The county elections official must review the applications and eliminate applicants who do not meet the specified qualifications. The county elections official then selects up to 60 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 the applicants before publishing the list of the 60 most qualified applicants. During the 30 days names are public, the county elections official may eliminate any of the previously selected applicants if the official becomes aware the applicant does not meet the above qualifications. The county elections official then creates a sub-pool for each of the five existing supervisorial districts in Merced County.

The Auditor-Controller of the County of Merced conducts a random drawing at a regularly scheduled meeting of the Board of Supervisors, to select one commissioner from each of the five sub-pools established by the county elections official. At a separate public meeting, the five chosen commissioners review the remaining names in the sub-pools of applications, interview the finalists for appointment, and allow for public comment. They appoint six additional members to the Commission. In order to be appointed, an applicant must receive votes from at least three of the five selected commissioners. The five selected commissioners select six applicants at-large. The additional six commissioners must be chosen based on relevant experience, analytical skills, and ability to be impartial and ensure the Commission reflects the county's diversity, including racial, ethnic, geographic, and gender diversity, provided formulas or specific ratios are not applied for this purpose. During the selection, the five members must consider political party preference, selecting applicants so 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 implement the bill in a manner that is impartial, and reinforces public confidence in the integrity of the redistricting process. AB 1441 states the term of office of each member of the Commission expires upon the appointment of the first member of the succeeding commission.

Commission process. Under AB 1441, seven members of the Commission constitute a quorum, and seven or more affirmative votes are required for any official action. The Commission must require any consultant it retains to disclose actual or potential conflicts of interest before delivering advice to the Commission, which it must weigh when determining whether to retain the consultant. Each Commission member is a designated employee for purposes of the conflict of interest code adopted by Merced County. Each commission member must be present for all public hearings and internal meetings, and other than emergency situations, the Commission may remove a member who misses an excessive number of public hearings.

AB 1441 requires the Commission to comply with the Ralph M. Brown Act (Brown Act), and conduct at least five 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 change a hearing location if a state or local health order prohibits large gatherings and may use virtual hearings that 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 during 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. The Commission must arrange for the live translation of a hearing in an “applicable language” if a request for translation is made at least 72 hours before the hearing.

AB 1441 directs the Commission to encourage county residents to participate in the redistricting public review process, including by:

- Providing information through media, social media, and public service announcements;
- Coordinating with community organizations; and
- Posting information on Merced 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 a complete and accurate computerized database is available for redistricting, and 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 Merced County Board of Supervisors to provide reasonable funding and staffing for the Commission. The bill also provides all Commission records relating to redistricting, and all data considered by the Commission in drawing a draft map or the final map, are public records.

Establishing districts. AB 1441 requires the Commission to draw maps for single-member supervisorial districts using the same criteria set for establishing boundaries as required for the Los Angeles County Redistricting Commission. After drawing the draft maps, the Commission must post the maps for public comment on Merced 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 and file it with the county elections official by the map adoption deadline set by current law for county supervisorial maps, and the Commission cannot release a draft map before the date set forth in existing law for county supervisorial draft maps to be released. 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 required by law. The bill provides the redistricting plan is subject to referendum in the same manner as ordinances are.

Other provisions. AB 1441 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 declarations that a special law is necessary because of the unique circumstances facing Merced County.

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. Home rule. AB 1441 requires the creation of an independent redistricting commission in Merced 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 Merced County is a decision best made by the Legislature, or local voters and their elected officials.

3. Not carbon copy. AB 1441 differs from the requirements for other commissions in several ways. One significant difference is that it requires the appointment of 11 commission members, with one member from each existing supervisorial district and six at-large from anywhere in the county. Previous commissions have had a larger membership with more at-large members: generally one member from each existing supervisorial district and nine at-large members. In addition, other differences among AB 1441 and previously enacted commissions include that:

- The county elections official selects *up to* 60 qualified applicant names to be made public meaning as little as 11 applicants can be identified as meeting the criteria; other Commissions select *exactly* 60 applicant names to be made public;
- The first five members of the Commission, when choosing the remaining commissioners, must conduct interviews and allow for public comment in a public meeting. Other Commissions have not included these requirements;
- An applicant must also receive the vote of at least three of the first five selected members to be seated on the Commission. Other commissions the initial eight members appoint the remaining at-large commission members;
- Prior to drawing a map, the Commission must conduct five public hearings to take place over a period of no fewer than 30 days. Other commission require seven public hearings in the same time frame; and
- The Commission must arrange for a live translation of the public review hearing if the request for translation is made at least 72 hours before the hearing. Other commissions allow someone to request a translation with only having to provide a 24 hour notice.

While AB 1441 aims to promote impartiality and public trust, it also raises questions about whether reducing public hearings and translation accessibility may limit community

participation. The Committee may wish to consider whether these trade-offs strike the right balance between efficiency and inclusion.

4. Patchwork. AB 1441 is the ninth bill in the last four years to create an independent redistricting commission in a specific county (San Luis Obispo, Sacramento, Orange, Fresno, Kern, Riverside, San Diego, Los Angeles). 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) and SB 1248 (Bryan, 2023), which would have required a county with a population of 300,000 or more and 400,000 or more, respectively, to establish an independent redistricting commission to adopt the county supervisorial districts, were vetoed by Governor Newsom. Although Merced County would not have been subject to those bills' provisions because its current population is below those thresholds, AB 1441 again raises the question whether the Legislature should require most or all counties to establish independent redistricting commissions, instead of the current approach of one-off legislation for individual counties.

5. Mandate. The California Constitution requires the state to reimburse local governments for the costs of new or expanded state mandated local programs. Because AB 1441 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.

6. Special legislation. The California Constitution prohibits special legislation when a general law can apply (Article IV, §16). AB 1441 finds and declares that legislation that applies only to Merced County is needed due to the unique circumstances facing the County of Merced.

7. Incoming! The Senate Rules Committee has ordered a double referral of AB 1441: first to the Committee on Elections and Constitutional Amendments, which approved AB 1441 at its July 1st hearing on a vote of 4-1, and second to the Committee on Local Government.

Assembly Actions

Assembly Elections Committee:	5-2
Assembly Local Government Committee:	7-2
Assembly Appropriations Committee:	11-3
Assembly Floor:	60-19

Support and Opposition (7/11/25)

Support: American Federation of State, County and Municipal Employees, Afl-cio
 California Common CAUSE
 California Federation of Labor Unions, Afl-cio
 Cultiva Central Valley
 League of Women Voters of California
 Power CA Action
 Socioenvironmental and Education Network (SEEN)
 Udw/afscme Local 3930

Opposition: County of Fresno
 County of Kings

County of Merced
County of Tulare
Rural County Representatives of California (RCRC)

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